

TUKWILA SHORELINE MASTER PROGRAM: ECOLOGY **REQUIRED** CHANGES AND **RECOMMENDED** CHANGES COMPARISON MATRIX

Council Adopted SMP Page #	Council Adopted SMP Text	Ecology Required Change to Council Adopted SMP Text AND Recommended Change	Ecology Finding/Staff Comments
	N/A	<p>Ecology Required Change #1:</p> <p>The shoreline environment map shall be reproduced showing parcel boundaries and at a minimum scale of 1 inch representing .1 mile with the following changes:</p> <ol style="list-style-type: none"> All areas waterward of the ordinary high water mark shall be designated Aquatic. All areas waterward of the ordinary high water mark of the Black River shall be designated Aquatic. All areas landward and within 200 feet of the ordinary high water mark of the Black River shall be designated Urban Conservancy. 	<p><u>Ecology Staff Finding:</u> The City of Tukwila adopted an SMP without an Aquatic designation, but has since concluded that an Aquatic designation would be beneficial. The required changes include designating all areas waterward of the ordinary high water mark as Aquatic. Policies and regulations relating to the Aquatic environment are included in the required changes. This demonstrates consistency with WAC 173-26-211 (5)(c).</p> <p><u>City Staff Comment:</u> The map revisions are illustrated on Attachment A. Staff recommends including this change in the SMP.</p>
3	<p><u>First paragraph of Section 1.2 B</u></p> <p>The Green/Duwamish River is the only "shoreline of statewide significance" in the city (RCW 98.58.030). Throughout the SMP document, the term "Shoreline Jurisdiction" is used to describe the water and land areas subject to shoreline jurisdiction in Tukwila. Based on SMA guidelines for shoreline jurisdiction, Tukwila's Shoreline Jurisdiction is defined as follows:</p>	<p>Ecology Required Change #2:</p> <p>First paragraph of Section 1.2 B shall be modified to read:</p> <p>The Green/Duwamish River is the only "shoreline of statewide significance" in the city (RCW 98.58.030). <u>A small portion of the Black River, a shoreline of the state, is also located in Tukwila.</u> Throughout the SMP document, the term "Shoreline Jurisdiction" is used to describe the water and land areas subject to shoreline jurisdiction in Tukwila. Based on SMA guidelines for shoreline</p>	<p><u>Ecology Staff Finding:</u> The Black River has been identified as being within shoreline jurisdiction in both WAC 173-18-210 and the Renton SMP. Required changes to the Tukwila SMP will include the Black River within Tukwila as shoreline jurisdiction. Portions waterward of the OHWM will be</p>

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	<p><i>The Tukwila Shoreline Jurisdiction includes the channel of the Green/Duwamish River, its banks, the upland area which extends from the ordinary high water mark landward for 200 feet on each side of the river, floodways and all associated wetlands within its floodplain. For the purpose of determining shoreline jurisdiction only, the floodway shall not include those lands that have historically been protected by flood control devices and, therefore, have not been subject to flooding with reasonable regularity.</i></p>	<p>jurisdiction, Tukwila's Shoreline Jurisdiction is defined as follows:</p> <p><i>The Tukwila Shoreline Jurisdiction includes the channel of the Green/Duwamish River and the Black River, its banks, the upland area which extends from the ordinary high water mark landward for 200 feet on each side of the river, floodways and all associated wetlands within its floodplain. For the purpose of determining shoreline jurisdiction only, the floodway shall not include those lands that have historically been protected by flood control devices and, therefore, have not been subject to flooding with reasonable regularity.</i></p>	<p>designated Aquatic. Portions landward and within 200 feet of the OHWM will be designated Urban Conservancy.</p> <p><u>City Staff Comment:</u> A very small segment of the Black River is located in Tukwila, and as it is designated a shoreline of the state must also be included in the City's SMP. Staff recommends including this language in the SMP.</p>
N/A	<p>There is currently no definition of "Accessory Use" in the Council adopted SMP. The definition would be inserted on page 11 of the Council adopted SMP.</p>	<p>Ecology Required Change #3:</p> <p>Add a definition of accessory use to Section 3, as follows:</p> <p><u>Accessory use: An accessory use is a use associated with the principle use on a shoreline property that is subordinate and incidental to the principle use. An accessory use must be minor in nature and compatible with uses in the immediate vicinity.</u></p>	<p><u>Ecology Staff Finding:</u> A definition of accessory use is added to the SMP. This provision will help to clarify the appropriate use of accessory uses when implementing the SMP.</p> <p><u>City Staff Comment:</u> Staff recommends including this change in the SMP.</p>
16	<p>Substantial development: means any development of which the total cost or fair market value exceeds five thousand dollars or as adjusted by the State to account for inflation, or any development which materially interferes with the normal public use of the water or shorelines of the state. The following shall not be considered substantial developments for the purpose of the Shoreline Management Act, but are not exempt from complying with the substantive requirements of this SMP:</p> <ol style="list-style-type: none"> 1. Normal maintenance or repair of existing structures or developments, including damage by accident, fire, or 	<p>Ecology Recommended Change #1</p> <p>Modify a portion of the definition of "substantial development in Section 3 to read:</p> <p>"Substantial development" means any development of which the total cost or fair market value exceeds five thousand dollars or as adjusted by the State to account for inflation, or any development which materially interferes with the normal public use of the water or shorelines of the state. shall mean any development of which the total cost or fair market value exceeds five thousand dollars, or any</p>	<p><u>City Staff Comment:</u> staff agrees that the definition should be revised to reflect the more recent, and correct definition language of "substantial development" in the WAC.</p>

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	<p>elements;</p> <ol style="list-style-type: none"> 2. Emergency construction necessary to protect property from damage by the elements; 3. Construction and practices normal or necessary for farming, irrigation, and ranching activities, including agricultural service roads and utilities on shorelands, and the construction and maintenance of irrigation structures including but not limited to head gates, pumping facilities, and irrigation channels. A feedlot of any size, all processing plants, other activities of a commercial nature, alteration of the contour of the shorelands by leveling or filling other than that which results from normal cultivation, shall not be considered normal or necessary farming or ranching activities. A feedlot shall be an enclosure or facility used or capable of being used for feeding livestock hay, grain, silage, or other livestock feed, but shall not include land for growing crops or vegetation for livestock feeding and/or grazing, nor shall it include normal livestock wintering operations; 4. Construction or modification of navigational aids such as channel markers and anchor buoys; 5. Construction on shorelands by an owner, lessee, or contract purchaser of a single family residence for his own use or for the use of his or her family, which residence does not exceed a height of thirty-five feet above average grade level and which meets all requirements of the state agency or local government having jurisdiction thereof, other than requirements imposed pursuant to this chapter; 6. Construction of a dock, including a community dock, designed for pleasure craft only, for the private noncommercial use of the owner, lessee, or contract purchaser of single and multiple family residences. This exception applies if either: (A) In salt waters, the fair market value of the dock does not exceed two 	<p><u>development which materially interferes with the normal public use of the water or shoreline of the state. The dollar threshold established in this subsection (3)(e) must be adjusted for inflation by the office of financial management every five years, beginning July 1, 2007, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, Seattle, Washington area, for urban wage earners and clerical workers, all items, compiled by the bureau of labor and statistics, United States department of labor.</u> The following shall not be considered substantial developments for the purpose of the Shoreline Management Act, but are not exempt from complying with the substantive requirements of this SMP:</p> <p>***[Remainder of definition would be as adopted by the City Council -no other changes suggested to the definition.]</p>	

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	<p>thousand five hundred dollars; or (B) in fresh waters, the fair market value of the dock does not exceed ten thousand dollars, but if subsequent construction having a fair market value exceeding two thousand five hundred dollars occurs within five years of completion of the prior construction, the subsequent construction shall be considered a substantial development for the purpose of this chapter;</p> <p>7. Operation, maintenance, or construction of canals, waterways, drains, reservoirs, or other facilities that now exist or are hereafter created or developed as a part of an irrigation system for the primary purpose of making use of system waters, including return flow and artificially stored groundwater for the irrigation of lands;</p> <p>8. The marking of property lines or corners on state owned lands, when such marking does not significantly interfere with normal public use of the surface of the water;</p> <p>9. Operation and maintenance of any system of dikes, ditches, drains, or other facilities existing on September 8, 1975, which were created, developed, or utilized primarily as a part of an agricultural drainage or diking system;</p> <p>10. Site exploration and investigation activities that are prerequisite to preparation of an application for development authorization under this chapter, if:</p> <ul style="list-style-type: none"> a. The activity does not interfere with the normal public use of the surface waters; b. The activity will have no significant adverse impact on the environment including, but not limited to, fish, wildlife, fish or wildlife habitat, water quality, and aesthetic values; c. The activity does not involve the installation of a structure, and upon completion of the activity the vegetation and land configuration of the site 		

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	<p>are restored to conditions existing before the activity;</p> <p>d. A private entity seeking development authorization under this section first posts a performance bond or provides other evidence of financial responsibility to the local jurisdiction to ensure that the site is restored to preexisting conditions; and</p> <p>e. The activity is not subject to the permit requirements of RCW <u>90.58.550</u> (Oil and Natural Gas exploration in marine waters);</p> <p>11. The process of removing or controlling an aquatic noxious weed, as defined in RCW <u>17.26.020</u>, through the use of an herbicide or other treatment methods applicable to weed control that are recommended by a final environmental impact statement published by the department of agriculture or the department jointly with other state agencies under chapter <u>43.21C</u> RCW.</p> <p>12. Watershed restoration projects, which means a public or private project authorized by the sponsor of a watershed restoration plan that implements the plan or a part of the plan and consists of one or more of the following activities:</p> <p>a. A project that involves less than ten miles of stream reach, in which less than twenty-five cubic yards of sand, gravel, or soil is removed, imported, disturbed or discharged, and in which no existing vegetation is removed except as minimally necessary to facilitate additional plantings;</p> <p>b. A project for the restoration of an eroded or unstable stream bank that employs the principles of bioengineering, including limited use of rock as a stabilization only at the toe of the bank, and with primary emphasis on using native vegetation to control the erosive forces</p>		

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	<p>of flowing water; or</p> <p>c. A project primarily designed to improve fish and wildlife habitat, remove or reduce impediments to migration of fish, or enhance the fishery resource available for use by all of the citizen of the state, provided that any structure, other than a bridge or culvert or instream habitat enhancement structure associated with the project, is less than two hundred square feet in floor area and is located above the ordinary high water mark of the stream.</p> <p>13. Watershed restoration plan, which means a plan, developed or sponsored by the department of fish and wildlife, the department of ecology, the department of natural resources, the department of transportation, a federally recognized Indian tribe acting within and pursuant to its authority, a city, a county or a conservation district that provides a general program and implementation measures or actions for the preservation, restoration, re-creation, or enhancement of the natural resources, character, and ecology of a stream, stream segment, drainage area or watershed for which agency and public review has been conducted pursuant to the State Environmental Policy Act.</p> <p>14. A public or private project that is designed to improve fish or wildlife habitat or fish passage, when all of the following apply:</p> <p>a. The project has been approved in writing by the department of fish and wildlife;</p> <p>b. The project has received hydraulic project approval by the department of fish and wildlife pursuant to chapter 77.55 RCW; and</p> <p>c. The local government has determined that the</p>		

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	<p>project is substantially consistent with the local shoreline master program. The local government shall make such determination in a timely manner and provide it by letter to the project proponent.</p> <p>Additional criteria for determining eligibility of fish habitat projects are found in WAC 173-27-040 2 (p) and apply to this exemption.</p>		
21	<p>4. SHORELINE INVENTORY AND CHARACTERIZATION - SUMMARY</p> <p>Local jurisdictions updating their Shoreline Master Program (SMP) are required to prepare an inventory and characterization of the shoreline resources within their boundaries. As part of the City's SMP update, a Draft Inventory and Characterization Report and Map Folio was prepared in December 2006, and finalized in the spring of 2007 following technical review by Ecology and King County. The final report and map folio are included as Appendix A to this SMP.</p>	<p>Ecology Required Change #4:</p> <p>Section 4, 4.1, and 4.5 shall be modified as follows:</p> <p>4. SHORELINE INVENTORY AND CHARACTERIZATION - SUMMARY</p> <p>Local jurisdictions updating their Shoreline Master Program (SMP) are required to prepare an inventory and characterization of the shoreline resources within their boundaries. As part of the City's SMP update, a Draft Inventory and Characterization Report and Map Folio was prepared in December 2006, and finalized in the spring of 2007 following technical review by Ecology and King County. The final report and map folio are included as Appendix A to this SMP. <u>While the report has been finalized, the City continues to utilize the most recent information available, such as the recently updated FEMA Revised Preliminary Digital Flood Insurance Rate Maps (DFIRM), which were issued after the completion of the Inventory and Characterization report</u></p>	<p><u>Ecology Staff Finding:</u> Ecology requires an updated discussion of floodplain management in the SMP. A required change identified the updated discussion in an underline/strikeout format in Chapter 4 of the SMP. The text modifications address the current status of levees in Tukwila.</p> <p><u>City Staff Comment:</u> since the time this language was developed, FEMA has decided to continue its review of the draft FEMA maps rather than adopt them – as a result, the new required language is not up-to-date.</p>
21	<p>4.1 <u>Watershed Context and Shoreline Modifications</u></p> <p>The City of Tukwila includes approximately 12.5 miles of</p>	<p>Ecology Required Change #4:</p> <p>4.1 <u>Watershed Context and Shoreline Modifications</u></p> <p>The City of Tukwila includes approximately 12.5 miles of</p>	

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	<p>the Green/Duwamish River and is situated in the Puget Sound Lowlands at the transition from the fresh water Green River to the tidally influenced Duwamish estuary ecosystem. The Green River basin is part of the Green/Duwamish Water Resource Inventory Area (WRIA 9).</p> <p>Historically, the Green/Duwamish River drained a significantly larger area than it does today. The Green/Duwamish River has undergone extensive modifications in the past to reduce channel migration and limit the extent and duration of valley flooding. The modifications include both natural river course changes and major engineering projects in the early part of the 20th century that diverted the White, Black and Cedar Rivers to neighboring basins. As a result, the overall freshwater discharge in the Green/Duwamish River has been reduced to around a third of the pre-diversion era.</p> <p>Seven pump stations also modify flows into the Green and Duwamish Rivers. Three of the pump stations, Black River, P-17, and Segale, are operated by the Green River Flood Control District, and four stations, Lift Stations 15, 17, 18, and 19 are operated by the City of Tukwila. The Black River pump station is the largest station discharging flows to the Duwamish River. This station is approximately 1,000 feet upstream of the Green – Black River confluence, and is intended to both block floodwaters from the Green from inundating the Black River and Springbrook Creek in the City of Renton, and also regulates flows from Springbrook Creek into the Duwamish River. The P-17 pump station drains the P-17 Pond that collects surface water from a majority of the Urban Center. The Segale pump station was installed to regulate soil saturation and piping during high river events but does not add new flows to the river. The remaining City pump stations only operate when gravity discharge to the river is prevented by high river events.</p>	<p>the Green/Duwamish River and is situated in the Puget Sound Lowlands at the transition from the fresh water Green River to the tidally influenced Duwamish estuary ecosystem. The Green River basin is part of the Green/Duwamish Water Resource Inventory Area (WRIA 9).</p> <p>Historically, the Green/Duwamish River drained a significantly larger area than it does today. The Green/Duwamish River has undergone extensive modifications in the past to reduce channel migration and limit the extent and duration of valley flooding. The modifications include both natural river course changes and major engineering projects in the early part of the 20th century that diverted the White, Black and Cedar Rivers to neighboring basins. As a result, the overall freshwater discharge in the Green/Duwamish River has been reduced to around a third of the pre-diversion era.</p> <p>Seven pump stations also modify flows into the Green and Duwamish Rivers. Three of the pump stations, Black River, P-17, and Segale, are operated by the Green River Flood Control District, and four stations, Lift Stations 15, 17, 18, and 19 are operated by the City of Tukwila. The Black River pump station is the largest station discharging flows to the Duwamish River. This station is approximately 1,000 feet upstream of the Green – Black River confluence, and is intended to both block floodwaters from the Green from inundating the Black River and Springbrook Creek in the City of Renton, and also regulates flows from Springbrook Creek into the Duwamish River. The P-17 pump station drains the P-17 Pond that collects surface water from a majority of the Urban Center. The Segale pump station was installed to regulate soil saturation and piping during high river events but does not add new flows to the river. The remaining City pump stations only operate when gravity discharge to the river is prevented by high river events.</p>	

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	<p>Levees and/or revetments were constructed along much of the Green/Duwamish River through the City of Tukwila to increase bank strength and reduce flooding. In addition, flows within the Green/Duwamish River were greatly modified by the construction of the Howard A. Hansen Dam and installation of water diversions. These modifications significantly reduced the severity of floods that historically covered much of the valley bottom. The condition of the current system of levees and revetments is a growing source of concern for King County and the cities involved, as many of the levees are aging and would not meet current standards for either flood conveyance or stability.</p>	<p>Levees and/or revetments were constructed along much of the Green/Duwamish River through the City of Tukwila to increase bank strength and reduce flooding. In addition, flows within the Green/Duwamish River were greatly modified by the construction of the Howard A. Hansen Dam and installation of water diversions. These modifications significantly reduced the severity of floods that historically covered much of the valley bottom. The condition of the current system of levees and revetments is a growing source of concern for King County and the cities involved, as many of the levees are aging and would do not meet current standards for either flood conveyance or stability. <u>Aside from the Tukwila 205 certified levee on the left bank of the river in the Urban Center, other levees in the City do not meet COE standards and are mapped as flood plain. These include portions of the newly annexed Tukwila South area and levees along the right bank of the river. Current development proposals in Tukwila South include the relocation of the cross-valley levee and reconstruction of the non-certified levees to meet COE standards. The permitting for this work is on-going.</u></p>	<p><u>Ecology Staff Finding:</u> Ecology requires an updated discussion of floodplain management in the SMP. A required change identified the updated discussion in an underline/strikeout format in Chapter 4 of the SMP. The text modifications address the current status of levees in Tukwila.</p> <p><u>City Staff Comment:</u> Staff recommends including this change in the SMP.</p>
27	<p>4.5 <u>Conclusions</u></p> <p>Like many rivers in the Puget Sound region, the course and dynamics of the Green/Duwamish River has changed significantly as a result of development and alteration of its watershed over the past century or so. Characteristic of many cities in the region, Tukwila has grown and become highly urbanized. Continued growth is anticipated and the City is planning for that growth. To a significant degree, the City has envisioned and maintained a development pattern that preserved public access to the Green River and assured setbacks of new buildings from the shoreline. Issues of</p>	<p>Ecology Required Change #4:</p> <p>4.5 <u>Conclusions</u></p> <p>Like many rivers in the Puget Sound region, the course and dynamics of the Green/Duwamish River has changed significantly as a result of development and alteration of its watershed over the past century or so. Characteristic of many cities in the region, Tukwila has grown and become highly urbanized. Continued growth is anticipated and the City is planning for that growth. To a significant degree, the City has envisioned and maintained a development pattern that preserved public access to the Green River and assured setbacks of new buildings from the shoreline. Issues of</p>	<p><u>Ecology Staff Finding:</u> Ecology requires an updated discussion of floodplain management in the SMP. A required change identified the updated discussion in an underline/strikeout format in Chapter 4 of the SMP. The text</p>

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	concern today are focused on existing levees and revetments to protect existing development from flood hazards. There are many opportunities for conservation and restoration actions in the City to restore or replace habitat while managing natural hazard areas.	concern today are focused on uncertainties about the ability of reconstructing existing levees and revetments to protect existing development from flood hazards, <u>an effort that will take place over a number of years in coordination with the King County Flood Control Zone District, King County and state and federal agencies.</u> There are many opportunities for conservation and restoration actions in the City to restore or replace habitat while managing natural hazard areas.	modifications address the current status of levees in Tukwila. <u>City Staff Comment:</u> staff recommends including this language in the SMP.
N/A	There is no Aquatic Environment in the Council adopted SMP	<p>Ecology Required Change #5:</p> <p>Add Policy 5.1.4 to read:</p> <p><u>Policy 5.1.4: Shoreline Aquatic Environment. In the Shoreline Aquatic Environment, priority shall be given to the following:</u></p> <ul style="list-style-type: none"> <u>• Uses that preserve or restore the natural character of the shoreline or promote preservation of vegetation, open space, flood plain or sensitive area lands;</u> <u>• Water dependent uses</u> <u>• Uses that remove shoreline armoring, unless required for a shoreline dependent use, and uses that prevent and/or minimize flood damage;</u> <u>• Uses that minimize interference with navigation and flood control, consider impacts to public views , and allow for the safe, unobstructed passage of fish and wildlife, particularly those species dependent on migration;</u> <u>• Uses that provide public access and public recreation whenever feasible and ecological impacts can be mitigated;</u> <u>• Development that is compatible with the natural and biological limitations of the land and water that do not require extensive alteration of the shoreline or new shoreline stabilization, except for restoration projects.</u> <u>• Uses that provide public access and public recreation whenever feasible and ecological impacts can be mitigated;</u> 	<p><u>Ecology Staff Finding:</u> The City of Tukwila adopted an SMP without an Aquatic designation, but has since concluded that an Aquatic designation would be beneficial. The required changes include designating all areas waterward of the ordinary high water mark as Aquatic. Policies and regulations relating to the Aquatic environment are included in the required changes. This demonstrates consistency with WAC 173-26-211 (5)(c).</p> <p><u>City Staff Comment:</u> The addition of Policy 5.1.4 provides the policy basis for establishing a shoreline Aquatic Environment. Staff recommends including this language in the SMP.</p>

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		<ul style="list-style-type: none"> • <u>Enhancement and restoration of ecological functions; and</u> • <u>Uses compatible with the adjoining shoreline environments.</u> 	
Text would be inserted after Goal 6.11, page 46	N/A	<p>Ecology Recommended Change #2:</p> <p>Add a new Section 6.12 , comprehensive Plan Goal 5.12:</p> <p><u>Tukwila, in developing and implementing its shoreline master program for shorelines of statewide significance, including the Green /Duwamish River, shall give preference to uses in the following order of preference which:</u></p> <p><u>(1) Recognize and protect the statewide interest over local interest;</u></p> <p><u>(2) Preserve the natural character of the shoreline;</u></p> <p><u>(3) Result in long term over short term benefit;</u></p> <p><u>(4) Protect the resources and ecology of the shoreline;</u></p> <p><u>(5) Increase public access to publicly owned areas of the shorelines;</u></p> <p><u>(6) Increase recreational opportunities for the public in the shoreline;</u></p> <p><u>(7) Provide for any other element as defined in RCW 90.58.100 deemed appropriate or necessary.</u></p>	<p><u>City Staff Comment:</u> This language repeats a portion of the legislative intent and findings of the Shoreline Management Act. Staff recommends including this language in the SMP and the Comprehensive Plan.</p>
49	<p>Section 7.3, paragraph 2:</p> <p>The guidelines (WAC 173-26-211 (4) (b)) recommend six basic environment designations: high intensity; shoreline residential; urban conservancy; rural conservancy; natural resource; and aquatic. Local governments may establish a different designation system, retain their current environment designations and/or establish parallel environments provided the designations are consistent with the purposes and policies of the guidelines (WAC 173-26-</p>	<p>Ecology Required Change #6:</p> <p>Revise paragraph 2 of Section 7.3 as follows:</p> <p>The guidelines (WAC 173-26-211 (4) (b)) recommend six basic environment designations: high intensity; shoreline residential; urban conservancy; rural conservancy; natural resource; and aquatic. Local governments may establish a different designation system, retain their current environment designations and/or establish parallel</p>	<p><u>Ecology Staff Finding:</u> A minor typographical error is addressed in required change 6.</p> <p><u>City Staff Comment:</u> This corrects a typographical error –</p>

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	211 (4)(c)). The guidelines also note that local shoreline environment designations should be consistent with the local comprehensive plan (WAC 173-26-211 (3)).	environments provided the designations are consistent with the purposes and policies of the guidelines (WAC 173-26-211 (4)(c)). The guidelines also note that local shoreline environment designations should be consistent with the local comprehensive plan (WAC 173-26-211 (3)).	the correct environment designation is “natural” not “natural resource.” Staff recommends including this language in the SMP.
52-54	See Attachment B for the current text of Table 3. Ecology required changes are indicated in red strikeout / <u>underline</u> format.	Ecology Required Change #7: See Attachment B for required revisions to Table 3. Ecology required changes are indicated in strikeout/underline format.	<u>Ecology Staff Finding:</u> While the SMP has provisions for standard prescriptive buffers, it also makes provision for reduced buffers if levees are modified to reduce their profile and allow for 15 foot wide area for vegetation. As proposed, the SMP contains some scenarios where there could be no minimum buffer when reduced pursuant to the SMP. The SMP contains natural environment and habitat use policies in Section 6.9 that require no net loss of ecological function and requires protection of wildlife, vegetation, wetlands, and watercourses. Table 3 within the SMP requires, in many cases, that buffers that are reduced under these provisions to be no less than 50 percent of the width of the standard buffers. Given that the standard buffers in question are 100 or 125 feet, this results in a modified buffer that is no less than 50 feet. In order to ensure internal consistency with these portions of the SMP, a required change to the SMP specifies that the buffer must be a minimum of

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			<p>50 feet when the buffer reduction standards are met.</p> <p><u>City Staff Comment:</u> Staff recommends including this language in the SMP.</p>
67	<p>Section 7.7.C, paragraph 9</p> <p>As an alternative to the 125 foot buffer for leveed areas, a property owner may construct levee or riverbank improvements that meet the Army Corps of Engineers, King County Flood Control District, and City of Tukwila minimum levee profile. These standards at a minimum shall include an overall slope of 2.5:1 from the toe of the levee to the riverward edge of the crown, a 15 foot mid slope bench, 18' access across the top of the levee, a 2:1 back slope, and an additional 10 foot no-build area measured from the landward toe for inspection and repairs. In instances where an existing building that has not lost its nonconforming status prevents the complete construction of the minimum levee profile, achieving an overall slope of 2.5:1 may be difficult – however, the slope should be as close to 2.5:1 as possible.</p>	<p>Ecology Required Change #8:</p> <p>Revise paragraph 9 of Section 7.7.C on page 69 as follows:</p> <p>As an alternative to the 125 foot buffer for leveed areas, a property owner may construct levee or riverbank improvements that meet the Army Corps of Engineers, King County Flood Control District, and City of Tukwila minimum levee profile. These standards at a minimum shall include an overall slope of 2.5:1 from the toe of the levee to the riverward edge of the crown, a 15 foot mid slope bench, 18' access across the top of the levee, a 2:1 back slope, and an additional 10 foot no-build area measured from the landward toe for inspection and repairs. In instances where an existing building that has not lost its nonconforming status prevents the complete construction of the minimum levee profile, achieving an overall slope of 2.5:1 may be difficult – however, the slope should be as close to 2.5:1 as possible. <u>In no case shall the reduced buffer be less than 50 feet.</u></p>	<p><u>Ecology Staff Finding:</u> see explanation above.</p> <p><u>City Staff Comment:</u> Ecology requires that a minimum buffer be stated. Staff recommends including this language in the SMP.</p>
70	<p>Section 7.8.B, paragraph 4:</p> <p>As an alternative to the 100 foot buffer, a property owner may reslope the river bank to a maximum-3:1, provide a 20 foot setback from the top of the new slope and vegetate both the river bank and the 20 foot setback area in accordance with the standards in the Vegetation Protection and</p>	<p>Ecology Required Change #9:</p> <p>Revise paragraph 4 of Section 7.8.B on page 72 as follows:</p> <p>As an alternative to the 100 foot buffer, a property owner may reslope the river bank to a maximum-3:1, provide a 20 foot setback from the top of the new slope and vegetate both</p>	

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	Landscaping Section. The property owner must also demonstrate that this approach will not result in a loss of ecological functions of the shoreline. In areas of the river where this condition currently exists or where the property owner has constructed these improvements, the buffer width will be the actual distance as measured from the Ordinary High Water Mark to the top of the bank plus 20 feet.	the river bank and the 20 foot setback area in accordance with the standards in the Vegetation Protection and Landscaping Section. The property owner must also demonstrate that this approach will not result in a loss of ecological functions of the shoreline. <u>In no case shall the reduced buffer be less than 50 feet.</u> In areas of the river where this condition currently exists or where the property owner has constructed these improvements, the buffer width will be the actual distance as measured from the Ordinary High Water Mark to the top of the bank plus 20 feet.	<p><u>Ecology Staff Finding:</u> see explanation above</p> <p><u>City Staff Comment:</u> Ecology requires that a minimum buffer be stated. Staff recommends including this language in the SMP.</p>
Will be inserted after Section 7.8 on page 70.	There is no policy guidance in the Council Adopted SMP on an Aquatic Environment.	<p>Ecology Required Change #10:</p> <p>Add a new Section 7.9 as follows:</p> <p><u>Section 7.9 Aquatic Environment</u></p> <p><u>A. Designation Criteria: All water bodies within the City limits and its potential annexation areas under the jurisdiction of the Shoreline Management Act waterward of the ordinary high water mark. The aquatic environment includes the water surface together with the underlying lands and the water column.</u></p> <p><u>B. Purpose: The purpose of this designation is to protect the unique characteristics and resources of the aquatic environment by managing use activities to prioritize preservation and restoration of natural resources, navigation, recreation and commerce and by assuring compatibility between shoreland and aquatic uses.</u></p>	<p><u>Ecology Staff Finding:</u> The City of Tukwila adopted an SMP without an Aquatic designation, but has since concluded that an Aquatic designation would be beneficial. The required changes include designating all areas waterward of the ordinary high water mark as Aquatic. Policies and regulations relating to the Aquatic environment are included in the required changes. This demonstrates consistency with WAC 173-26-211 (5)(c).</p> <p><u>City Staff Comment:</u> Staff recommends including this language in the SMP.</p>
Text would be inserted on page 71	This is a new section, as the Council adopted SMP does not contain a Use Matrix.	<p>Ecology Required Change #11:</p> <p><u>8.2 Interpretation of Use Matrix</u></p> <p><u>A. The shoreline use table in Section 8.3 indicates whether a</u></p>	<p><u>Ecology Staff Finding:</u> The SMP has proposed to incorporate the Tukwila Zoning Code use provisions. As proposed, a reader would need to turn to the Tukwila</p>

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		<p><u>specific use is allowed within each of the shoreline environments and whether it is permitted outright or allowed only as a shoreline conditional use.</u></p> <p><u>B. In the table, shoreline environments are listed at the top of each column and the specific uses are listed along the left-hand side of each horizontal row. The cell at the intersection of a column and a row indicates whether a use may be allowed in a specific shoreline environment and whether additional use criteria apply. The table should be interpreted as follows:</u></p> <p><u>1. If the letter ‘P’ appears in the box at the intersection of the column and the row, the use may be permitted within the shoreline environment if the underlying zoning also allows the use.</u></p> <p><u>2. If the letter ‘C’ appears in the box at the intersection of the column and the row, the use may be allowed within the shoreline environment subject to the shoreline conditional use review procedures specified in section 14.3 of this SMP.</u></p> <p><u>3. If the letter ‘X’ appears in the box at the intersection of the column and the row, the use is prohibited in that shoreline environment.</u></p>	<p>Zoning code in order to determine permissible uses in the SMP. The zoning code can allow for uses that could cause harm to the shoreline environment such as airports and numerous industrial uses. The zoning code also makes reference to provisions that are unworkable in shoreline jurisdiction such as a provision for an unclassified use permit. A SMP must be in a form that is implementable. This is supported by RCW 90.58.090(7) and WAC 173-26-211(4)(a)(IV).</p> <p>The required changes include a use matrix that somewhat narrows the scope of uses in the shoreline environment to focus more on water-dependant uses and uses that are environmentally consistent with the shoreline environment. The use matrix does recognize the existing commercial and industrial nature of many uses along the Green River in Tukwila in that non-water oriented industrial uses will still be allowed in shoreline jurisdiction.</p> <p>The Tukwila Zoning Code makes no reference to the water oriented use preferences articulated in WAC 173-26-201(2)(d). While</p>

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			<p>the use matrix and use standards in Chapter 8 of the Tukwila SMP allow for many non-water oriented uses in shoreline jurisdiction, a preference is made for water oriented uses in a manner that recognizes historic land use patterns in the City.</p> <p><u>City Staff Comment:</u> The required text explains the legend for the Use Matrix - staff recommends including this language in the SMP.</p>
Use Matrix would be inserted after page 71	The Council adopted SMP did not include a Use Matrix.	<p>Ecology Required Change #11:</p> <p><u>8.3 Use matrix</u> See Attachment C for the Use Matrix</p>	<p><u>Ecology Staff Finding:</u> see above.</p> <p><u>City Staff Comment:</u> Staff developed this Use Matrix after the adoption of the SMP, knowing that it would be one of the changes required by Ecology. Staff recommends including this language in the SMP.</p>
71-72	<p>8.2 <u>Shoreline Residential Environment --Uses</u></p> <p>A. Shoreline Residential Buffer – Permitted Uses</p> <p>The Shoreline Residential River Buffer shall consist of the area identified in the Shoreline Environment Designation Section of the SMP and the uses shall meet the purposes and criteria established therein.</p>	<p>Ecology Required Change #11 and Recommended change #3:</p> <p>8.24 <u>Shoreline Residential Environment --Uses</u></p> <p>A. Shoreline Residential Buffer – Permitted Uses</p> <p>The Shoreline Residential River Buffer shall consist of the area identified in the Shoreline Environment</p>	<p><u>City Staff Comment:</u> With the addition of two new subsections in Section 8, the remaining sections must be re-numbered. Staff recommends including this change in the SMP.</p>

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	<p>1. Permitted Uses: No uses or structures are permitted in the Shoreline Residential Buffer except for the following:</p> <ul style="list-style-type: none"> a. Shoreline Restoration Projects; b. Over-water structures subject to the standards in the Over-water Structures section associated with water-dependent uses, public access, recreation, flood control or channel management. Private, single residence piers for the sole use of the property owner shall not be considered an outright use on the shoreline. A dock may be allowed when the applicant has demonstrated a need for moorage and that the following alternatives have been investigated and are not available or feasible: <ul style="list-style-type: none"> 1). commercial or marina moorage; 2). floating moorage buoys; 3). joint use moorage pier/dock. c. Public parks, recreation and open space; d. Public pedestrian bridges e. Public and/or private promenades, footpaths or trails; f. Recreation structures such as benches, tables, viewpoints, and picnic shelters, provided no such structure shall exceed 15 feet in height or 25 square feet in area or block views to the shoreline from adjacent properties; g. Signs conforming to the Sign Code; h. Maintenance or redevelopment of levees for flood control purposes, provided they are designed to meet the applicable levee regulations of this SMP i. Vehicle bridges, only if connecting public rights-of-way; j. Utility towers and utilities except the provision, distribution, collection, transmission or disposal of refuse; k. Fire lanes when co-located with levee maintenance roads; l. New shoreline stabilization utilizing the development standards in the Shoreline Stabilization section of this SMP. m. Water dependent uses and their structures, as long as there is no net loss of shoreline ecological function; 	<p>Designation Section of the SMP and the uses shall meet the purposes and criteria established therein.</p> <p>1. Permitted Uses: No uses or structures are permitted in the Shoreline Residential Buffer except for the following:</p> <ul style="list-style-type: none"> a. Shoreline Restoration Projects; b. Over-water structures subject to the standards in the Over-water Structures section associated with water-dependent uses, public access, recreation, flood control or channel management. Private, single residence piers for the sole use of the property owner shall not be considered an outright use on the shoreline. A dock may be allowed when the applicant has demonstrated a need for moorage and that the following alternatives have been investigated and are not available or feasible: <ul style="list-style-type: none"> 1). commercial or marina moorage; 2). floating moorage buoys; 3). joint use moorage pier/dock. c. Public parks, recreation and open space; d. Public pedestrian bridges e. Public and/or private promenades, footpaths or trails; f. Recreation structures such as benches, tables, viewpoints, and picnic shelters, provided no such structure shall exceed 15 feet in height or 25 square feet in area or block views to the shoreline from adjacent properties; g. Signs conforming to the Sign Code <u>Section 9.13 of this SMP</u>; h. Maintenance or redevelopment of levees for flood control purposes, provided they are designed to meet the applicable levee regulations of this SMP i. Vehicle bridges, only if connecting public rights-of-way; j. Utility towers and utilities except the provision, 	<p><u>Ecology Staff Finding:</u> The adopted SMP incorporates Tukwila's sign code, allowing a broad array of signs in shoreline jurisdiction. A required change limits signs in shoreline jurisdiction to interpretive, water related, public safety, and road purposes.</p> <p><u>City Staff Comment:</u> a new subsection is proposed to provide</p>

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	<p>n. Fences, provided the maximum height of a fence along the shoreline is four feet and the fence does not extend waterward beyond the top of the bank; chain link fences must be vinyl coated.</p> <p>o. Existing essential streets, roads and rights of way may be maintained or improved;</p> <p>p. Outdoor storage, only in conjunction with a water dependent use,</p> <p>q. Support facilities for above or below ground utilities or pollution control, such as runoff ponds, filter systems, detention ponds and outfall facilities provided they are located at or below grade and as far from the OHWM as technically feasible;</p> <p>r. Essential public facilities, both above and below ground; and</p> <p>s. Landfill as part of an approved remediation plan for the purpose of capping contaminated sediments.</p> <p>t. Patios, or decks not exceeding 18-inches in height, limited to a maximum 200 square feet and 50% of the width of the river frontage. Decks or patios must be located landward of the top of the bank and be constructed to be pervious and of environmentally friendly materials.</p>	<p>distribution, collection, transmission or disposal of refuse;</p> <p>k. Fire lanes when co-located with levee maintenance roads;</p> <p>l. New shoreline stabilization utilizing the development standards in the Shoreline Stabilization section of this SMP.</p> <p>m. Water dependent uses and their structures, as long as there is no net loss of shoreline ecological function;</p> <p>n. Fences, provided the maximum height of a fence along the shoreline is four feet and the fence does not extend waterward beyond the top of the bank; chain link fences must be vinyl coated.</p> <p>o. Existing essential streets, roads and rights of way may be maintained or improved;</p> <p>p. Outdoor storage, only in conjunction with a water dependent use,</p> <p>q. Support facilities for above or below ground utilities or pollution control, such as runoff ponds, filter systems, detention ponds and outfall facilities <u>or other facilities that must have a physical connection to the shoreline to provide their support function,</u> provided they are located at or below grade and as far from the OHWM as technically feasible;</p> <p>r. <u>Water oriented</u> essential public facilities, both above and below ground; and</p> <p>s. <u>Non-water oriented essential public facilities, both above and below ground, provided that it has been documented that no feasible location is available outside of the buffer.</u></p> <p>t. Landfill as part of an approved remediation plan for the purpose of capping contaminated sediments.</p> <p>u. Patios, or decks not exceeding 18-inches in height, limited to a maximum 200 square feet and 50% of</p>	<p>sign standards, rather than reference the City's Sign Code, TMC 19, which would then require Ecology review and approval of the entire code and any future amendments to the sign code. Staff recommends including this language in the SMP.</p> <p><u>Additional Information Provided by Ecology for "q":</u> This is to clarify that facilities that are water oriented and require a location in the buffer can be allowed. Allowing all drainage facilities in the buffer would be inconsistent with WAC 173-26-221 (3) and (5) and has not been shown to achieve no net loss of ecological function.</p> <p><u>Ecology Staff Finding for "r":</u> The Tukwila Zoning Code makes no reference to the water oriented use preferences articulated in WAC 173-26-201(2)(d). While the use matrix and use standards in Chapter 8 of the Tukwila SMP allow for many non-water oriented uses in shoreline jurisdiction, a preference is made for water oriented uses in a manner that recognizes historic land use patterns in the City.</p>

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		<p>the width of the river frontage. Decks or patios must be located landward of the top of the bank and be constructed to be pervious and of environmentally friendly materials. <u>If a deck or patio will have an environmental impact in the shoreline buffer, then commensurate mitigation shall be required.</u></p> <p>v. <u>Fill solely for the purpose of ecological restoration.</u></p>	<p><u>Ecology Staff Finding for "s":</u> a modification to the SMP is included in the required changes that only allows non-water oriented essential public facilities within buffers if there is no feasible location available outside of the buffer.</p> <p><u>Additional Information Provided by Ecology for "u":</u> Environmental impacts of expansion into the shoreline buffer need to be minimized and mitigated. This provision allows for minor expansions of decks and patios in the shoreline buffers but requires mitigation, if necessary.</p> <p><u>City Staff Comment:</u> Staff recommends incorporating the Recommended addition of "v," which will allow fill when it is needed for ecological restoration projects.</p>
73	<p>Conditional Uses: Only the following may be allowed as a Conditional Use in the Shoreline Residential buffer subject to the requirements, procedures and conditions established by this program:</p> <ul style="list-style-type: none"> a. Dredging activities when in compliance with all federal and state regulations, when necessary for navigation or remediation of contaminated sediments. b. Dredging for navigational purposes is permitted 	<p>Ecology Recommended Change #4</p> <p>Add to Conditional Uses</p> <p>Conditional Uses: Only the following may be allowed as a Conditional Use in the Shoreline Residential buffer subject to the requirements, procedures and conditions established by this program:</p> <ul style="list-style-type: none"> a. Dredging activities when in compliance with all federal and state regulations, when necessary 	

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	<p>where necessary for assuring safe and efficient accommodation of existing navigational uses and then only when significant ecological impacts are minimized and when mitigation is provided. Maintenance dredging of established navigation channels and basins is restricted to maintaining previously dredged and/or existing authorized location, depth and width. Dredging of bottom materials for the purpose of obtaining fill material is prohibited.</p> <p>c. New private vehicle bridges.</p>	<p>for navigation or remediation of contaminated sediments.</p> <p>b. Dredging for navigational purposes is permitted where necessary for assuring safe and efficient accommodation of existing navigational uses and then only when significant ecological impacts are minimized and when mitigation is provided. Maintenance dredging of established navigation channels and basins is restricted to maintaining previously dredged and/or existing authorized location, depth and width. Dredging of bottom materials for the purpose of obtaining fill material is prohibited.</p> <p>c. New private vehicle bridges.</p> <p><u>d. Fill minimally necessary to support water dependent uses, public access, or for the alteration or expansion of a transportation facility of statewide significance currently located on the shoreline when it is demonstrated that alternative to fill are not feasible.</u></p>	<p><u>City Staff Comment:</u> Staff recommends the incorporation of “d.” into the Council adopted SMP.</p>
73	<p>8.2 Shoreline Residential Environment --Uses</p> <p>B. Shoreline Residential Environment -- Uses</p> <p>The Shoreline Residential Environment shall consist of the remaining area within the 200 foot shoreline jurisdiction that is not within the Shoreline Residential River Buffer. Uses shall meet the purposes and criteria of the Shoreline Residential Development Zone as established in the Shoreline Environment Designation section.</p>	<p>Ecology Required Change #11:</p> <p>8.42 Shoreline Residential Environment --Uses</p> <p>B. Shoreline Residential Environment -- Uses</p> <p>The Shoreline Residential Environment shall consist of the remaining area within the 200 foot shoreline jurisdiction that is not within the Shoreline Residential River Buffer. Uses shall meet the purposes and criteria of the Shoreline Residential Development Zone as established in the Shoreline Environment Designation section.</p>	<p><u>City Staff Comment:</u> With the addition of two new subsections in Section 8, the remaining sections must be re-numbered. Staff recommends including this change in the SMP.</p> <p><u>Additional Information Provided by Ecology:</u> This change is necessary to implement the Use Matrix and provisions of the SMP rather than the zoning code.</p>

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74	<p>8.3 <u>Urban Conservancy Environment -- Uses</u></p> <p>The Urban Conservancy Environment shall consist of the areas identified in the Shoreline Environment Designations sections of this SMP. Uses shall meet the purposes and criteria of the Urban Conservancy Environment established therein.</p> <p>A. Urban Conservancy Environment Buffer – Uses</p> <ol style="list-style-type: none"> 1. Permitted uses: The following uses are permitted in the Urban Conservancy River Buffer: <ol style="list-style-type: none"> a. Shoreline Restoration Projects. b. Over-water structures subject to the standards established in the Over-water Structures Section that are associated with water-dependent uses, public access, recreation, flood control, channel management or ecological restoration; c. Public parks, recreation and open space d. Public and/or private promenades, footpaths or trails; e. Public pedestrian bridges; f. Recreation structures such as benches, tables, viewpoints, and picnic shelters, provided no such structure shall exceed 15 feet in height and 25 square feet in area and views of the shoreline are not blocked from adjacent properties; g. Signs conforming to the Sign Code; h. Maintenance or redevelopment of levees for flood control purposes, provided that any redevelopment of a levee shall meet the applicable levee regulations of this SMP; i. New vehicle bridges: permitted only if connecting public rights-of-way; existing public or private vehicle bridges may be maintained or replaced. j. Utility towers and utilities except the provision, distribution, collection, transmission or disposal of 	<p>Ecology Required Change # 11 and Recommended Change #3:</p> <p>8.53 <u>Urban Conservancy Environment -- Uses</u></p> <p>The Urban Conservancy Environment shall consist of the areas identified in the Shoreline Environment Designations sections of this SMP. Uses shall meet the purposes and criteria of the Urban Conservancy Environment established therein.</p> <p>A. Urban Conservancy Environment Buffer – Uses</p> <ol style="list-style-type: none"> 1. Permitted uses: The following uses are permitted in the Urban Conservancy River Buffer: <ol style="list-style-type: none"> a. Shoreline Restoration Projects. b. Over-water structures subject to the standards established in the Over-water Structures Section that are associated with water-dependent uses, public access, recreation, flood control, channel management or ecological restoration; c. Public parks, recreation and open space d. Public and/or private promenades, footpaths or trails; e. Public pedestrian bridges; f. Recreation structures such as benches, tables, viewpoints, and picnic shelters, provided no such structure shall exceed 15 feet in height and 25 square feet in area and views of the shoreline are not blocked from adjacent properties; g. Signs conforming to the Sign Code Section 9.13 of this SMP; h. Maintenance or redevelopment of levees for flood control purposes, provided that any redevelopment of a levee shall meet the applicable levee regulations of this SMP; i. New vehicle bridges: permitted only if connecting public rights-of-way; existing public or private vehicle bridges may be maintained or replaced. 	<p><u>City Staff Comment:</u> With the addition of two new subsections in Section 8, the remaining sections must be re-numbered. Staff recommends including this change in the SMP.</p> <p><u>Ecology Staff Finding for “g”:</u> The adopted SMP incorporates Tukwila’s sign code, allowing a broad array of signs in shoreline jurisdiction. A required change limits signs in shoreline jurisdiction to interpretive, water related, public safety, and road purposes.</p>
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	<p>refuse;</p> <p>k. Levee maintenance roads;</p> <p>l. Plaza connectors between buildings and levees, not exceeding the height of the levee, are permitted for the purpose of providing and enhancing pedestrian access along the river and for landscaping purposes.</p> <p>m. New shoreline stabilization utilizing the development standards in the Shoreline Stabilization Section.</p> <p>n. Existing essential streets, roads and rights of way may be maintained or improved.</p> <p>o. Water dependent commercial and industrial development, if permitted by the underlying zoning district;</p> <p>p. Regional detention facilities that meet the City's Infrastructure Design and Construction Standards along with their supporting elements such as ponds, piping, filter systems and outfalls.</p> <p>q. Support facilities for above or below ground utilities or pollution control, such as runoff ponds, filter systems, detention ponds and outfall facilities provided they are located at or below grade and as far from the OHWM as technically feasible;</p> <p>r. Outdoor storage, only in conjunction with a water dependent use,</p> <p>s. Essential public facilities, both above and below ground.</p> <p>t. Landfill as part of an approved remediation plan for the purpose of capping contaminated sediments.</p>	<p>j. Utility towers and utilities except the provision, distribution, collection, transmission or disposal of refuse;</p> <p>k. Levee maintenance roads;</p> <p>l. Plaza connectors between buildings and levees, not exceeding the height of the levee, are permitted for the purpose of providing and enhancing pedestrian access along the river and for landscaping purposes.</p> <p>m. New shoreline stabilization utilizing the development standards in the Shoreline Stabilization Section.</p> <p>n. Existing essential streets, roads and rights of way may be maintained or improved.</p> <p>o. Water dependent commercial and industrial development, if permitted by the underlying zoning district;</p> <p>p. Regional detention facilities that meet the City's Infrastructure Design and Construction Standards along with their supporting elements such as ponds, piping, filter systems and outfalls <u>vested as of the effective date of this program or if no feasible alternative location exists.</u></p> <p>q. Support facilities for above or below ground utilities or pollution control, such as runoff ponds, filter systems, detention ponds and outfall facilities <u>or other facilities that must have a physical connection to the shoreline to provide their support function,</u> provided they are located at or below grade and as far from the OHWM as technically feasible;</p> <p>r. Outdoor storage, only in conjunction with a water dependent use,</p> <p>s. <u>Water oriented</u> essential public facilities, both above and below ground.</p> <p>t. <u>Non-water oriented essential public facilities, both above and below ground, provided that it has been documented that no feasible location is available outside of the buffer.</u></p> <p>u. Landfill as part of an approved remediation plan for the purpose of capping contaminated sediments.</p> <p>v. <u>Fill solely for the purpose of ecological restoration.</u></p>	<p><u>City Staff Comment:</u> see explanation under Shoreline Residential above.</p> <p><u>Additional Information Provided by Ecology for "p":</u> These provisions allow for vested and water oriented utilities. These provisions also allow for utilities in the buffer when no alternative exists.</p> <p><u>Additional Information Provided by Ecology for "q":</u> This is to clarify that facilities that are water oriented and require a location in the buffer can be allowed. Allowing all drainage facilities in the buffer would be inconsistent with WAC 173-26-221 93) and (5) and has not been shown to achieve no net loss of ecological function.</p> <p><u>Ecology Staff Finding for "s":</u> The Tukwila Zoning Code makes no reference to the water oriented use preferences articulated in WAC 173-26-201(2)(d). While the use matrix and use standards</p>
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			<p>in Chapter 8 of the Tukwila SMP allow for many non-water oriented uses in shoreline jurisdiction, a preference is made for water oriented uses in a manner that recognizes historic land use patterns in the City.</p> <p><u>Ecology Staff Finding for “t”</u>: a modification to the SMP is included in the required changes that only allows non-water oriented essential public facilities within buffers if there is no feasible location available outside of the buffer.</p> <p><u>City Staff Comment for “v.”</u>: see explanation under Shoreline Residential above.</p>
75	<p>2. Conditional Uses: Only the following may be allowed as a Conditional Use in the Shoreline Residential buffer subject to the requirements, procedures and conditions established by this program:</p> <ul style="list-style-type: none"> a. Dredging activities when in compliance with all federal and state regulations, when necessary for navigation or remediation of contaminated sediments. b. Dredging for navigational purposes is permitted where necessary for assuring safe and efficient accommodation of existing navigational uses and then only when significant ecological impacts are minimized and when mitigation is provided. Maintenance dredging of established navigation channels and basins is restricted to maintaining 	<p>Ecology Recommended Change #4</p> <p>Add to Conditional Uses</p> <p>2. Conditional Uses: Only the following may be allowed as a Conditional Use in the Shoreline Residential buffer subject to the requirements, procedures and conditions established by this program:</p> <ul style="list-style-type: none"> a. Dredging activities when in compliance with all federal and state regulations, when necessary for navigation or remediation of contaminated sediments. b. Dredging for navigational purposes is permitted where necessary for assuring safe and efficient accommodation of existing navigational uses and then only when significant ecological impacts are minimized and when mitigation is provided. Maintenance dredging of established navigation channels and basins is restricted to maintaining 	

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	<p>previously dredged and/or existing authorized location, depth and width. Dredging of bottom materials for the purpose of obtaining fill material is prohibited.</p> <p>c. New private vehicle bridges.</p>	<p>previously dredged and/or existing authorized location, depth and width. Dredging of bottom materials for the purpose of obtaining fill material is prohibited.</p> <p>c. New private vehicle bridges.</p> <p>d. <u>Fill minimally necessary to support water dependent uses, public access, or for the alteration or expansion of a transportation facility of statewide significance currently located on the shoreline when it is demonstrated that alternatives to fill are not feasible.</u></p>	<p><u>City Staff Comment:</u> see explanation under Shoreline Residential above. Staff recommends including this language in the SMP.</p>
75	<p>B. Urban Conservancy Environment -- Uses</p> <p>1. Permitted Uses: All uses permitted in the Urban Conservancy Environment Buffer and/or the underlying zoning district may be allowed.</p> <p>2. Conditional Uses: All uses listed as Conditional Uses may be allowed subject to the requirements, procedures and conditions of this program.</p>	<p>Ecology Required Change #11:</p> <p>B. Urban Conservancy Environment -- Uses</p> <p>1. Permitted Uses: All uses permitted in the Urban Conservancy Environment Buffer and/or the <u>shoreline use matrix</u> underlying zoning district may be allowed.</p> <p>2. Conditional Uses: All uses listed as Conditional Uses may be allowed subject to the requirements, procedures and conditions of this program.</p>	<p><u>Additional Information Provided by Ecology:</u> This change is included to be consistent with the Use Matrix provisions.</p> <p><u>City Staff Comment:</u> Staff recommends including this language in the SMP.</p>
75	<p>8.4 <u>High Intensity Environment -- Uses</u></p> <p>The High Intensity Environment Buffer shall consist of the area identified in the Shoreline Environment Designations section. Uses shall meet the purposes and criteria of established therein.</p> <p>A. High Intensity Environment Buffer - Uses</p> <p>1. Permitted uses: The following uses are permitted in the Urban Conservancy River Buffer:</p> <p>a. Shoreline Restoration Projects.</p> <p>b. Over-water structures subject to the standards established in the Over-water Structures Section that are associated with water-dependent uses, public access, recreation,</p>	<p>Ecology Required Change #11 and Recommended Change #3:</p> <p>8.64 <u>High Intensity Environment -- Uses</u></p> <p>The High Intensity Environment Buffer shall consist of the area identified in the Shoreline Environment Designations section. Uses shall meet the purposes and criteria of established therein.</p> <p>A. High Intensity Environment Buffer - Uses</p> <p>1. Permitted uses: The following uses are permitted in the Urban Conservancy River Buffer:</p> <p>a. Shoreline Restoration Projects.</p> <p>b. Over-water structures subject to the standards established in the Over-water Structures Section that are</p>	<p><u>City Staff Comment:</u> With the addition of two new subsections in Section 8, the remaining sections must be re-numbered. Staff recommends including this change in the SMP.</p>

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<p>flood control, channel management or ecological restoration;</p> <p>c. Public parks, recreation and open space</p> <p>d. Public and/or private promenades, footpaths or trails;</p> <p>e. Public pedestrian bridges;</p> <p>f. Recreation structures such as benches, tables, viewpoints, and picnic shelters, provided no such structure shall exceed 15 feet in height and 25 square feet in area and views of the shoreline are not blocked from adjacent properties;</p> <p>g. Signs conforming to the Sign Code;</p> <p>h. Maintenance or redevelopment of levees for flood control purposes, provided that any redevelopment of a levee shall meet the applicable levee regulations of this SMP;</p> <p>i. New vehicle bridges: permitted only if connecting public rights-of-way; existing public or private vehicle bridges may be maintained or replaced.</p> <p>j. Utility towers and utilities except the provision, distribution, collection, transmission or disposal of refuse;</p> <p>k. Levee maintenance roads;</p> <p>l. Plaza connectors between buildings and levees, not exceeding the height of the levee, are permitted for the purpose of providing and enhancing pedestrian access along the river and for landscaping purposes.</p> <p>m. New shoreline stabilization utilizing the development standards in the Shoreline Stabilization Section.</p> <p>n. Existing essential streets, roads and rights of way may be maintained or improved.</p> <p>o. Water dependent commercial and industrial development, if permitted by the underlying zoning district;</p> <p>p. Regional detention facilities that meet the City's Infrastructure Design and Construction Standards along with their supporting elements such as ponds, piping, filter systems and outfalls.</p> <p>q. Support facilities for above or below ground utilities or pollution control, such as runoff ponds, filter systems, detention ponds and outfall facilities provided they are</p>	<p>associated with water-dependent uses, public access, recreation, flood control, channel management or ecological restoration;</p> <p>c. Public parks, recreation and open space</p> <p>d. Public and/or private promenades, footpaths or trails;</p> <p>e. Public pedestrian bridges;</p> <p>f. Recreation structures such as benches, tables, viewpoints, and picnic shelters, provided no such structure shall exceed 15 feet in height and 25 square feet in area and views of the shoreline are not blocked from adjacent properties;</p> <p>g. Signs conforming to <u>the Sign Code Section 9.13 of this SMP</u>;</p> <p>h. Maintenance or redevelopment of levees for flood control purposes, provided that any redevelopment of a levee shall meet the applicable levee regulations of this SMP;</p> <p>i. New vehicle bridges: permitted only if connecting public rights-of-way; existing public or private vehicle bridges may be maintained or replaced.</p> <p>j. Utility towers and utilities except the provision, distribution, collection, transmission or disposal of refuse;</p> <p>k. Levee maintenance roads;</p> <p>l. Plaza connectors between buildings and levees, not exceeding the height of the levee, are permitted for the purpose of providing and enhancing pedestrian access along the river and for landscaping purposes.</p> <p>m. New shoreline stabilization utilizing the development standards in the Shoreline Stabilization Section.</p> <p>n. Existing essential streets, roads and rights of way may be maintained or improved.</p> <p>o. Water dependent commercial and industrial development, if permitted by the underlying zoning district;</p> <p>p. Regional detention facilities that meet the City's Infrastructure Design and Construction Standards along with their supporting elements such as ponds, piping, filter systems and outfalls <u>vested as of the effective date</u></p>	<p><u>Ecology Staff Finding:</u> The adopted SMP incorporates Tukwila's sign code, allowing a broad array of signs in shoreline jurisdiction. A required change limits signs in shoreline jurisdiction to interpretive, water related, public safety, and road purposes.</p> <p><u>City Staff Comment:</u> see explanation under Shoreline Residential Environment, above.</p> <p><u>Additional Information Provided by Ecology for "p":</u> These provisions allow for vested and water oriented utilities. These provisions also allow for utilities in the buffer when no alternative exists.</p> <p><u>Additional Information Provided by Ecology for "q":</u> This is to clarify that facilities that are water oriented and require a location in the buffer can be allowed. Allowing all drainage facilities in the buffer would be inconsistent with WAC 173-26-221 (3) and (5)</p>
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	<p>located at or below grade and as far from the OHWM as technically feasible;</p> <p>r. Outdoor storage, only in conjunction with a water dependent use,</p> <p>s. Essential public facilities, both above and below ground.</p> <p>t. Landfill as part of an approved remediation plan for the purpose of capping contaminated sediments.</p>	<p><u>of this program or if no feasible alternative location exists.</u></p> <p>q. Support facilities for above or below ground utilities or pollution control, such as runoff ponds, filter systems, detention ponds and outfall facilities <u>or other facilities that must have a physical connection to the shoreline to provide their support function</u>, provided they are located at or below grade and as far from the OHWM as technically feasible;</p> <p>r. Outdoor storage, only in conjunction with a water dependent use,</p> <p>s. <u>Water oriented</u> essential public facilities, both above and below ground.</p> <p>t. <u>Non-water oriented essential public facilities, both above and below ground, provided that it has been documented that no feasible location is available outside of the buffer.</u></p> <p>u. Landfill as part of an approved remediation plan for the purpose of capping contaminated sediments.</p> <p>v. <u>Fill solely for the purpose of ecological restoration.</u></p>	<p>and has not been shown to achieve no net loss of ecological function.</p> <p><u>Ecology Staff Finding for “s”:</u> a modification to the SMP is included in the required changes that only allows non-water oriented essential public facilities within buffers if there is no feasible location available outside of the buffer.</p> <p><u>Ecology Staff Finding for “t”:</u> The Tukwila Zoning Code makes no reference to the water oriented use preferences articulated in WAC 173-26-201(2)(d). While the use matrix and use standards in Chapter 8 of the Tukwila SMP allow for many non-water oriented uses in shoreline jurisdiction, a preference is made for water oriented uses in a manner that recognizes historic land use patterns in the City.</p> <p><u>City Staff Comment for “v”:</u> see explanation under Shoreline Residential above. Staff recommends including this language in the SMP.</p>
76		<p>Ecology Required Change #11</p> <p>2. Conditional Uses: Only tThe following may be allowed as a Conditional Use in the Shoreline High Intensity Environment buffer subject to the requirements, procedures and conditions of this program.</p>	<p><u>Additional Information Provided by Ecology:</u> Minor formatting change.</p>

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76		<p>Ecology Recommended Change #4</p> <p>Add to Conditional Uses</p> <p>2. Conditional Uses: Only the following may be allowed as a Conditional Use in the Shoreline Residential buffer subject to the requirements, procedures and conditions established by this program:</p> <ul style="list-style-type: none"> a. Dredging activities when in compliance with all federal and state regulations, when necessary for navigation or remediation of contaminated sediments. b. Dredging for navigational purposes is permitted where necessary for assuring safe and efficient accommodation of existing navigational uses and then only when significant ecological impacts are minimized and when mitigation is provided. Maintenance dredging of established navigation channels and basins is restricted to maintaining previously dredged and/or existing authorized location, depth and width. Dredging of bottom materials for the purpose of obtaining fill material is prohibited. c. New private vehicle bridges. d. <u>Fill minimally necessary to support water dependent uses, public access, or for the alteration or expansion of a transportation facility of statewide significance currently located on the shoreline when it is demonstrated that alternatives to fill are not feasible.</u> 	<p><u>City Staff Comment:</u> see explanation under Shoreline Residential above. Staff recommends including this language in the SMP.</p>
77	<p>B. Shoreline High Intensity Environment -- Uses</p> <p>The Shoreline High Intensity Environment shall consist of the remaining area within the 200 foot shoreline jurisdiction that is not within the Shoreline High Intensity Environment Buffer area. Uses shall meet the purposes and criteria of the Shoreline</p>	<p>Ecology Required Change #11:</p> <p>B. Shoreline High Intensity Environment -- Uses</p> <p>The Shoreline High Intensity Environment shall consist of the remaining area within the 200 foot shoreline jurisdiction that is not within the Shoreline High Intensity Environment Buffer area. Uses shall meet the purposes and criteria of the</p>	<p><u>Additional Information Provided by Ecology:</u> This change is included to be consistent with the</p>

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	Environment Designations section. 1. Permitted Uses: All uses permitted in the High Intensity Environment Buffer and/or the underlying zoning district.	Shoreline Environment Designations section. 1. Permitted Uses: All uses permitted in the High Intensity Environment Buffer and/or the <u>shoreline use matrix underlying zoning district may be allowed.</u>	Use Matrix provisions. <u>City Staff Comment:</u> Staff recommends including this language in the SMP.
Next text would be added to page 77	Council adopted SMP does not include an Aquatic Environment – Uses section.	<p>Ecology Required Change #11 and Recommended Change #4:</p> <p><u>Section 8.7 Aquatic Environment – Uses</u></p> <p><u>The Aquatic Environment consists of all water bodies within the City limits and its potential annexation areas under the jurisdiction of the Shoreline Management Act waterward of the ordinary high water mark. The aquatic environment includes the water surface together with the underlying lands and the water column.</u></p> <p><u>Aquatic Environment – Uses</u></p> <p>1. <u>Permitted Uses: The following uses are permitted in the Aquatic Environment. Uses and activities within the Aquatic Environment must be compatible with the adjoining shoreline environment</u></p> <ol style="list-style-type: none"> <u>Shoreline Restoration Projects.</u> <u>Over-water structures subject to the standards established in the Over-water Structures Section that are associated with water-dependent uses, public access, recreation, flood control, channel management or ecological restoration;</u> <u>Maintenance or redevelopment of levees for flood control purposes, provided that any redevelopment of a levee shall meet the applicable levee regulations of this SMP;</u> <u>New shoreline stabilization utilizing the development standards in the Shoreline Stabilization Section.</u> <u>Water dependent commercial and industrial development, if permitted by the underlying zoning district;</u> <u>Boats moored at a dock or marina. No boats may be</u> 	<p><u>Ecology Staff Finding:</u> The City of Tukwila adopted an SMP without an Aquatic designation, but has since concluded that an Aquatic designation would be beneficial. The required changes include designating all areas waterward of the ordinary high water mark as Aquatic. Policies and regulations relating to the Aquatic environment are included in the required changes. This demonstrates consistency with WAC 173-26-211(5)(c).</p> <p><u>City Staff Comment:</u> Staff recommends including this language in the SMP.</p>

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[illegible]

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		<p>established by the underlying zone. For bridges, approved above ground utility structures, and water dependent uses and their structures, the height limit shall be as demonstrated necessary to accomplish the structure's primary purpose. Bridges, approved above ground utility structures, and water dependent uses and their structures greater than 35 feet in height require approval of a shoreline conditional use permit.</p>	<p>or incorporated in the required changes, this limit is consistent with the Tukwila Zoning Code.</p> <p><u>City Staff Comment:</u> Staff recommends including this language.</p>
0	<p>9.3 <u>High Intensity and Urban Conservancy Environment Development Standards</u></p> <p>A. Standards</p> <p>The following standards apply in the High Intensity and Urban Conservancy Environment.</p>	<p>Ecology Required Change #13:</p> <p>Section 9.3 shall be modified as follows:</p> <p><u>9.3 High Intensity, and Urban Conservancy and Aquatic Environment Development Standards</u></p> <p>A. Standards</p> <p>The following standards apply in the High Intensity, and Urban Conservancy <u>and Aquatic Environments</u>.</p>	<p><u>Additional Information Provided by Ecology:</u> This is a formatting change to include the Aquatic Environment in the text of the SMP.</p> <p><u>City Staff Comment:</u> these proposed edits recognize the addition of the Aquatic Environment to the SMP. Staff recommends including this language in the SMP.</p>
81	<p>9.3 <u>High Intensity and Urban Conservancy Environment Development Standards</u></p> <p>C. Height Restrictions</p> <p>Except for bridges, approved above ground utility structures, and water dependent uses and their structures, the maximum height for structures shall be as follows to preserve visual access to the shoreline and avoid massing of tall buildings within the shoreline jurisdiction:</p> <ol style="list-style-type: none"> 15 feet where located within the River Buffer; 45 feet between the outside landward edge of the River Buffer and 200' of the OHWM. <p>Provided, no permit shall be issued for any new or expanded</p>	<p>Ecology Required Change #13:</p> <p><u>9.3 High Intensity, and Urban Conservancy and Aquatic Environment Development Standards</u></p> <p>C. Height Restrictions</p> <p>Except for bridges, approved above ground utility structures, and water dependent uses and their structures, the maximum height for structures shall be as follows to preserve visual access to the shoreline and avoid massing of tall buildings within the shoreline jurisdiction:</p> <ol style="list-style-type: none"> 15 feet where located within the River Buffer; 45 feet between the outside landward edge of the River Buffer and 200' of the OHWM. <p>Provided, no permit shall be issued for any new or expanded building or structure of more than 35 feet above average</p>	<p><u>City Staff Comment:</u> these proposed edits recognize the addition of the Aquatic Environment to the SMP. Staff recommends including this language in the SMP.</p> <p><u>Ecology Staff Finding:</u> The SMP proposes to allow building height to be increased to the maximum allowed under the zoning code (115 feet in some cases) if an applicant constructs a shoreline trail to City specifications in a manner consistent with the City's</p>

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	<p>building or structure of more than 35 feet above average grade level on shorelines of the state that will obstruct the view of a substantial number of residences on areas adjoining such shorelines. The Director may approve a 15% increase in height if the project proponent provides substantial additional restoration and/or enhancement of the shoreline buffer, beyond what may otherwise be required. The enhancement and/or restoration is subject to the standards of Section 9.10, Vegetation Protection and Landscaping. If the required buffer has already been restored, the project proponent may provide a 20% wider buffer which has been restored and/or enhanced in order to obtain the 15% increase in height. These incentives may not be combined to achieve a greater than 15% height increase. The enhancement/restoration is subject to the standards of Section 9.10, Vegetation Protection and Landscaping.</p>	<p>grade level on shorelines of the state that will obstruct the view of a substantial number of residences on areas adjoining such shorelines. <u>For any building that is proposed in shoreline jurisdiction to be greater than 35 feet in height, the development proponent must demonstrate that the proposed building will not block the views of a substantial number of residences.</u> The Director may approve a 15% increase in height if the project proponent provides substantial additional restoration and/or enhancement of the shoreline buffer, beyond what may otherwise be required. The enhancement and/or restoration is subject to the standards of Section 9.10, Vegetation Protection and Landscaping. If the required buffer has already been restored, the project proponent may provide a 20% wider buffer which has been restored and/or enhanced in order to obtain the 15% increase in height. These incentives may not be combined to achieve a greater than 15% height increase. The enhancement/restoration is subject to the standards of Section 9.10, Vegetation Protection and Landscaping.</p>	<p>Green River Trail Plan. Building heights of 115 feet in shoreline jurisdiction are not analyzed in the Cumulative Impacts Analysis. A required change is included eliminating the SMP reference to zoning height limits and requiring an analysis of view blockage and environmental impacts.</p> <p>The adopted SMP allows increased building height as an incentive for both public access and enhancement of vegetation in the shoreline buffer. A required change to the SMP makes is clear that if a building is proposed with a height of greater than 35 feet, then there must be a demonstration that the proposed building will not block the views of a substantial number of residences consistent with RCW 90.58.320.</p> <p>Required changes have been included that require any development over 35 feet in height to analyze whether the views of a substantial number of residences will be blocked. Additionally, the height limit references to the zoning code proposed in the SMP will be removed by the required changes.</p> <p>A required change establishes the height limit for buildings in the Shoreline Residential</p>
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			<p>Environment at 30 feet. While the zoning code is not referenced or incorporated in the required changes, this limit is consistent with the Tukwila Zoning Code.</p> <p><u>City Staff Comment:</u> This required text change incorporates a requirement of the Shoreline Management Act. Staff recommends including this language in the SMP.</p>
89	<p>Section 9.8</p> <p>C. Where required, mitigation measures shall be applied in the following sequence of steps listed in order of priority.</p> <ol style="list-style-type: none"> 1. Avoiding the impact altogether by not taking a certain action or parts of an action; 2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts; 3. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment; 4. Reducing or eliminating the impact over time by preservation and maintenance operations; 5. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and 6. Monitoring the impact and the compensation projects and taking appropriate corrective measures. 	<p>Ecology Required Change #14:</p> <p>Section 9.8.C shall be modified as follows:</p> <p>C. Where—required <u>For all development</u>, mitigation sequencing measures shall be applied in the following sequence of steps listed in order of priority.</p> <ol style="list-style-type: none"> 1. Avoiding the impact altogether by not taking a certain action or parts of an action; 2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts; 3. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment; 4. Reducing or eliminating the impact over time by preservation and maintenance operations; 5. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and 6. Monitoring the impact and the compensation projects and taking appropriate corrective measures. 	<p><u>Ecology Staff Finding:</u> A required change clarifies that mitigation sequencing is a requirement for all projects consistent with WAC 173-26-201(2)(e)(i).</p> <p><u>City Staff Comment:</u> Staff recommends including this language in the SMP.</p>

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94	<p>Table 4. Tree Replacement Requirements</p> <table><tr><th>Diameter* of Tree Removed</th><th>No. of Replacement Trees Required</th></tr><tr><td>4-6 inches (single trunk) 2 inches (any trunk of a multi-trunk tree)</td><td>3</td></tr><tr><td>Over 6 – 8 inches</td><td>4</td></tr><tr><td>Over 8 – 20 inches</td><td>6</td></tr><tr><td>Over 20 inches</td><td>8</td></tr></table> <p>* measured at height of 4 feet from the ground</p>	Diameter* of Tree Removed	No. of Replacement Trees Required	4-6 inches (single trunk) 2 inches (any trunk of a multi-trunk tree)	3	Over 6 – 8 inches	4	Over 8 – 20 inches	6	Over 20 inches	8	<p>Ecology Recommended Change #6: Modify Table 4, in Section 9.10. B. 4 as follows:</p> <p>Table 4. Tree Replacement Requirements</p> <table><tr><th>Diameter* of Tree Removed</th><th>No. of Replacement Trees Required</th></tr><tr><td>4-6 inches (single trunk) 2 inches (any trunk of a multi-trunk tree)</td><td>3</td></tr><tr><td>Over 6 – 8 inches</td><td>4</td></tr><tr><td>Over 8 – 20 inches</td><td>6</td></tr><tr><td>Over 20 inches</td><td>8</td></tr></table> <p>* measured at height of 4.5 feet from the ground</p>	Diameter* of Tree Removed	No. of Replacement Trees Required	4-6 inches (single trunk) 2 inches (any trunk of a multi-trunk tree)	3	Over 6 – 8 inches	4	Over 8 – 20 inches	6	Over 20 inches	8	<p><u>City Staff Comment:</u> this corrects a typographical error – staff recommends incorporating this recommended change in the document.</p>
Diameter* of Tree Removed	No. of Replacement Trees Required																						
4-6 inches (single trunk) 2 inches (any trunk of a multi-trunk tree)	3																						
Over 6 – 8 inches	4																						
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Over 8 – 20 inches	6																						
Over 20 inches	8																						
Text would be added on page 104	<p>The Council adopted SMP does not include standards for live-aboards.</p>	<p>Ecology Recommended Change #5: A new Section 9.12 E. to be added to read</p> <p>E. New over-water residences are prohibited. Live-aboards may be allowed provided that:</p> <ol style="list-style-type: none">1. They are for single-family use only;2. They are located in a marina that provides shower and toilet facilities on land and there are no sewage discharges to the water;3. Live-aboards do not exceed 10% of the total slips in the marina;4. They are owner-occupied vessels; and5. There are on-shore support services in proximity to the live-aboards.	<p><u>City Staff Comment:</u> since there are live-aboards in the marina in the North Potential Annexation Area, staff agrees the SMP should include standards to apply to this use. Staff recommends including this language in the SMP.</p>																				
New text would be added after the standards for live-aboards	<p>The Council Adopted SMP does not include a stand alone section on signage, but instead refers to the City’s adopted sign code.</p>	<p>Ecology Required Change #15:</p> <p>A new Section 9.13 shall be added as follows:</p> <p><u>9.13 Signs in Shoreline Jurisdiction</u></p> <p>A. <u>Signage within the shoreline buffer is limited to the following:</u></p> <ol style="list-style-type: none">1. Interpretative Signs;	<p><u>Ecology Staff Finding:</u> The adopted SMP incorporates Tukwila's sign code, allowing a broad array of signs in shoreline jurisdiction. A required change</p>																				

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		<p>2. <u>Signs for water related uses;</u></p> <p>3. <u>Signs installed by a government agency for public safety along any public trail or at any public park;</u></p> <p>4. <u>Signs installed within the rights of way of any public right of way or bridge within the shoreline buffer. All signs shall meet the requirements of the Manual on Uniform Traffic Control Devices for Streets and Highways, current edition, published by the U.S. Department of Transportation.</u></p> <p>5. <u>Signs installed on utilities and Wireless Communication Facilities denoting danger or other safety information, including emergency contact information.</u></p> <p>B. <u>The following signs are strictly forbidden the shoreline buffer:</u></p> <p>1. <u>Billboards and other off-premise signs.</u></p>	<p>limits signs in shoreline jurisdiction to interpretive, water related, public safety, and road purposes</p> <p><u>City Staff Comment:</u> this new subsection provides guidance on the types of signage permitted in the shoreline jurisdiction. Staff recommends including this language in the SMP.</p>
112	<p>Section 10.6.D</p> <p>D. Wetlands shall be designated in accordance with the Washington State Wetlands Rating System (Washington Department of Ecology, August 2004, Publication #93-74) as Category I, II, III, or IV as listed below:</p>	<p>Ecology Required Change #16:</p> <p>Section 10.6.D shall be modified as follows:</p> <p>D. Wetlands shall be designated in accordance with the Washington State Wetlands Rating System Washington State Wetlands Rating System for Western Washington (Washington State Department of Ecology, August 2004, Publication #04-06-025 Washington Department of Ecology, August 2004, Publication #93-74) as Category I, II, III, or IV as listed below:</p>	<p><u>Ecology Staff Finding:</u> Required changes have been included to make the wetland protection provisions contained with the SMP consistent with the current Ecology guidance regarding wetland protection.</p> <p><u>City Staff Comment:</u> Staff recommends including this language in the SMP.</p>
113	<p>10.7 <u>Watercourse Designation and Ratings</u></p> <p>A. Watercourse ratings are based on the existing habitat functions and are rated as follows:</p> <p>1. <u>Type 1 Watercourse:</u> Watercourses inventoried as Shorelines of the State, under RCW 90.58 (Green/Duwamish River).</p> <p>2. <u>Type 2 Watercourse:</u> Those watercourses that have</p>	<p>Ecology Recommended Change #7:</p> <p>10.7 <u>Watercourse Designation and Ratings</u></p> <p>A. Watercourse ratings are based on the existing habitat functions and are rated as follows:</p> <p>1. <u>Type 1 (S) Watercourse:</u> Watercourses inventoried as Shorelines of the State, under</p>	<p><u>City Staff Comment:</u> Staff concurs with this Ecology</p>

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	<p>either perennial (year-round) or intermittent flows and support salmonid fish use.</p> <ol style="list-style-type: none"> 3. <u>Type 3 Watercourse</u>: Those watercourses that have perennial flows and are not used by salmonid fish. 4. <u>Type 4 Watercourse</u>: Those watercourses that have intermittent flows and are not used by salmonid fish. <p>B. Watercourse sensitive area studies shall be performed by a qualified professional (hydrologist, geologist, engineer or other scientist with experience in preparing watercourse assessments).</p>	<p>RCW 90.58 (Green/Duwamish River).</p> <ol style="list-style-type: none"> 2. <u>Type 2 (F) Watercourse</u>: Those watercourses that have either perennial (year-round) or intermittent flows and support salmonid fish use. 3. <u>Type 3 (NP) Watercourse</u>: Those watercourses that have perennial flows and are not used by salmonid fish. 4. <u>Type 4 (NS) Watercourse</u>: Those watercourses that have intermittent flows and are not used by salmonid fish. <p>B. Watercourse sensitive area studies shall be performed by a qualified professional (hydrologist, geologist, engineer or other scientist with experience in preparing watercourse assessments).</p>	<p>Recommended Change, which is also consistent with the SAO update approved by Council.</p>
115	<p>10.9 B. Establishment of Buffer Widths</p> <p>The following standard buffers shall be established:</p> <ol style="list-style-type: none"> 1. Wetland buffers (measured from the wetland edge): <ol style="list-style-type: none"> a. Categories I and II Wetlands; 100 foot buffer. b. Category III Wetland; 80-foot buffer. c. Category IV Wetland; 50-foot buffer. 2. Watercourse buffers (measured from the Ordinary High Water Mark): <ol style="list-style-type: none"> a. Type 1 Watercourse: The buffer width for the Green/Duwamish River is established in the Shoreline Environment Designations of this SMP for the three designated shoreline environments. b. Type 2 Watercourse: 100-foot-wide buffer. c. Type 3 Watercourse: 80-foot-wide buffer. d. Type 4 Watercourse: 50-foot-wide buffer. 3. Fish and Wildlife Habitat Conservation Areas: the buffer will be the same as the river buffer established 	<p>Ecology Recommended Change #9:</p> <p>10.9 B. Establishment of Buffer Widths</p> <p>The following standard buffers shall be established:</p> <ol style="list-style-type: none"> 1. Wetland buffers (measured from the wetland edge): <ol style="list-style-type: none"> a. Categories I and II Wetlands; 100 foot buffer. b. Category III Wetland; 80-foot buffer. c. Category IV Wetland; 50-foot buffer. 2. Watercourse buffers (measured from the Ordinary High Water Mark): <ol style="list-style-type: none"> a. Type 1 (S) Watercourse: The buffer width for the Green/Duwamish River is established in the Shoreline Environment Designations of this SMP for the three designated shoreline environments. b. Type 2 (F) Watercourse: 100-foot-wide buffer. c. Type 3 (Np) Watercourse: 80-foot-wide buffer. d. Type 4 (Ns) Watercourse: 50-foot-wide buffer. 3. Fish and Wildlife Habitat Conservation Areas: the 	<p><u>City Staff Comment</u>: Staff concurs with this Ecology Recommended Change, which is also consistent with the SAO update approved by Council.</p>

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	for each Shoreline Environment measured from the OHWM, unless an alternate buffer is established and approved at the time a Fish and Wildlife Habitat restoration project is undertaken.	buffer will be the same as the river buffer established for each Shoreline Environment measured from the OHWM, unless an alternate buffer is established and approved at the time a Fish and Wildlife Habitat restoration project is undertaken.	
115	<p>Section 10.9D. Reduction of Standard Buffer Width</p> <p>Except for the Green/Duwamish River (Type 1 watercourse for which any variation in the buffer shall be regulated under the shoreline provisions of this Program), the buffer width may reduced on a case-by-case basis, provided the reduced buffer area does not contain slopes 15% or greater. In no case shall the approved buffer width result in greater than a 50% reduction in width. Buffer reduction with enhancement may be allowed as part of a Substantial Development permit if:</p> <ol style="list-style-type: none"> 1. Additional protection to wetlands or watercourses will be provided through the implementation of a buffer enhancement plan; 2. The existing condition of the buffer is degraded; 3. Buffer enhancement includes, but is not limited to the following: <ol style="list-style-type: none"> a. Planting vegetation that would increase value for fish and wildlife habitat or improve water quality; b. Enhancement of wildlife habitat by incorporating structures that are likely to be used by wildlife, including wood duck boxes, bat boxes, snags, root wads/stumps, birdhouses and heron nesting areas; or c. Removing non-native plant species and noxious weeds from the buffer area and replanting the area. 	<p>Ecology Required Change #17</p> <p>Section 10.9D. Reduction of Standard Buffer Width</p> <p>Except for the Green/Duwamish River (Type 1 watercourse for which any variation in the buffer shall be regulated under the shoreline provisions of this Program), the buffer width may reduced on a case-by-case basis, provided the reduced buffer area does not contain slopes 15% or greater. In no case shall the approved buffer width result in greater than a 50% reduction in width. Buffer reduction with enhancement may be allowed as part of a Substantial Development permit if:</p> <ol style="list-style-type: none"> 1. Additional protection to wetlands or watercourses will be provided through the implementation of a buffer enhancement plan; <u>and</u> 2. The existing condition of the buffer is degraded; <u>and</u> 3. Buffer enhancement includes, but is not limited to the following: <ol style="list-style-type: none"> a. Planting vegetation that would increase value for fish and wildlife habitat or improve water quality; b. Enhancement of wildlife habitat by incorporating structures that are likely to be used by wildlife, including wood duck boxes, bat boxes, snags, root wads/stumps, birdhouses and heron nesting areas; or c. Removing non-native plant species and noxious weeds from the buffer area and replanting the area. 	<p><u>Additional Information Provided by Ecology:</u> This clarifies that all three criteria must be met.</p> <p><u>City Staff Comment:</u> adding “and” clarifies that all three criteria must be met. Staff recommends including this language in the SMP.</p>

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120	<p>Section 10.11 Sensitive Area Permitted Uses and Alterations</p> <p>A. General Sensitive Areas Permitted Uses</p> <ol style="list-style-type: none"> 1. All uses permitted in the Shoreline Jurisdiction Buffers are allowed in sensitive area buffers within the jurisdiction except: <ol style="list-style-type: none"> a. Promenades b. Recreational structures c. Public pedestrian bridges d. Vehicle bridges e. New utilities f. Plaza connectors <p>Water dependent uses and their structures Essential streets, roads and rights of way</p> <ol style="list-style-type: none"> i. Essential public facilities j. Outdoor storage 2. In addition, the following uses are allowed: <ol style="list-style-type: none"> a. Maintenance activities of existing landscaping and gardens in a sensitive area buffer including but not limited to mowing lawns, weeding, harvesting and replanting of garden crops and pruning and planting of vegetation. The removal of established native trees and shrubs is not permitted. Herbicide use in sensitive areas or their buffers is not allowed without written permission of the City. b. Vegetation maintenance as part of sensitive area enhancement, creation or restoration. Herbicide use in sensitive areas or their buffers is not allowed without written permission of the City. <p>B. Uses Requiring a Type II permit</p>	<p>Ecology Required Changes #18</p> <p>Section 10.11 Sensitive Area Permitted Uses and Alterations shall be modified as follows:</p> <p>A. General Sensitive Areas Permitted Uses</p> <ol style="list-style-type: none"> 1. All uses permitted in the Shoreline Jurisdiction Buffers are allowed in sensitive area buffers within the jurisdiction except: <ol style="list-style-type: none"> a. Promenades b. Recreational structures c. Public pedestrian bridges d. Vehicle bridges e. New utilities f. Plaza connectors g. Water dependent uses and their structures h. Essential streets, roads and rights of way i. Essential public facilities j. Outdoor storage 2. In addition, the following uses are allowed: <ol style="list-style-type: none"> a. Maintenance activities of existing landscaping and gardens in a sensitive area buffer including but not limited to mowing lawns, weeding, harvesting and replanting of garden crops and pruning and planting of vegetation. The removal of established native trees and shrubs is not permitted. Herbicide use in sensitive areas or their buffers is not allowed without written permission of the City. b. Vegetation maintenance as part of sensitive area enhancement, creation or restoration. Herbicide use in sensitive areas or their buffers is not allowed without written permission of the City. <p>B. Uses Requiring a Type II permit</p> <p>1. Maintenance and repair of existing uses and facilities</p>	<p><u>Ecology Staff Finding:</u> A required change eliminates a requirement for a Type II permit from the SMP. The Type II permit was proposed by the City to address concerns about shoreline exempt projects in critical areas. While this is a legitimate concern on the part of the City, the concern can be addressed through Recommended Change 12 requiring a written exemption for such activities.</p>
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	<p>1. Maintenance and repair of existing uses and facilities where alteration or additional fill materials will be placed or heavy construction equipment used.</p> <p>2. Construction of new essential streets and roads, rights-of-way and utilities.</p> <p>3. New surface water discharges to sensitive areas or their buffers from detention facilities, pre-settlement ponds or other surface water management structures may be allowed provided that the discharge meets the clean water standards of RCW 90.48 and WAC 173.200 and 173.201 as amended, and does not adversely affect water level fluctuations in the wetland or adversely affect watercourse habitat and watercourse flow conditions relative to the existing rate.</p> <p>4. Plaza connectors</p> <p>5. Essential public facilities</p> <p>6. Overwater structures</p> <p>7. Recreation structures</p>	<p>where alteration or additional fill materials will be placed or heavy construction equipment used.</p> <p>2. Construction of new essential streets and roads, rights-of-way and utilities.</p> <p>3. New surface water discharges to sensitive areas or their buffers from detention facilities, pre-settlement ponds or other surface water management structures may be allowed provided that the discharge meets the clean water standards of RCW 90.48 and WAC 173.200 and 173.201 as amended, and does not adversely affect water level fluctuations in the wetland or adversely affect watercourse habitat and watercourse flow conditions relative to the existing rate.</p> <p>4. Plaza connectors</p> <p>5. Essential public facilities</p> <p>6. Overwater structures</p> <p>7. Recreation structures</p>	<p><u>City Staff Comment:</u> A Type II permit is a reference to the City's Zoning Code, which is not permitted. Elimination of these uses means if they are permitted in the buffer, then they will not be required to obtain an additional permit – other than a shoreline substantial development permit (if triggered). Staff is not recommending incorporating Recommended Change #12 as a substitute for this deleted language.</p>
121	<p>Section 10.11 Sensitive Area Permitted Uses and Alterations</p> <p>C. Conditional Uses</p> <p>Dredging, where necessary to remediate contaminated sediments, if adverse impacts are mitigated.</p>	<p>Ecology Required Change #18</p> <p>Section 10.11 Sensitive Area Permitted Uses and Alterations</p> <p>BC. Conditional Uses</p> <p>Dredging, where necessary to remediate contaminated sediments, if adverse impacts are mitigated.</p>	<p><u>City Staff Comment:</u> Lettering of remaining subsections revised to reflect Ecology required deletion of subsection B. Staff recommends including this language in the SMP.</p>
121	<p>Section 10.11 Sensitive Area Permitted Uses and Alterations</p> <p>D. Wetland Alterations.</p> <p>Alterations to wetlands are discouraged, are limited to the minimum necessary for project feasibility, and must have an approved mitigation plan developed in accordance with the standards in this chapter.</p>	<p>Ecology Required Change #18</p> <p>Section 10.11 Sensitive Area Permitted Uses and Alterations</p> <p>CD. Wetland Alterations.</p> <p>Alterations to wetlands are discouraged, are limited to the minimum necessary for project feasibility, and must have an approved mitigation plan developed in accordance with the standards in this chapter.</p> <p>1. Mitigation for wetlands shall follow the mitigation</p>	<p><u>City Staff Comment:</u> Lettering of remaining subsections revised to reflect Ecology required deletion of subsection B. Staff recommends including this language in the SMP.</p>

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<p>1. Mitigation for wetlands shall follow the mitigation sequencing steps in this chapter and may include the following types of actions:</p> <ul style="list-style-type: none"> a. Creation - the manipulation of the physical, chemical or biological characteristics to develop a wetland on an upland or deepwater site, where a biological wetland did not previously exist; b. Re-establishment - the manipulation of the physical, chemical or biological characteristics of a site with the goal of restoring wetland functions to a former wetland, resulting in a net increase in wetland acres and functions; c. Rehabilitation - the manipulation of the physical, chemical, or biological characteristics with the goal of repairing historic functions and processes of a degraded wetland, resulting in a gain in wetland function but not acreage; d. Enhancement - the manipulation of the physical, chemical or biological characteristics to heighten, intensify, or improve specific functions (such as vegetation) or to change the growth stage or composition of the vegetation present, resulting in a change in wetland functions but not in a gain in wetland acreage; or e. A combination of the three types. <p>2. Allowed alterations per wetland type and mitigation ratios are as follows:</p> <ul style="list-style-type: none"> a. Alterations are not permitted to Category I or II wetlands unless specifically exempted under the provisions of this Program. Mitigation will still be required at a rate of 3:1 for creation or re-establishment, 4:1 for rehabilitation, and 6:1 for enhancement. b. Alterations to Category III wetlands are prohibited except where the location or configuration of the wetland provides practical difficulties that can be resolved by modifying up to .10 (one-tenth) of an acre of wetland. Mitigation for any alteration to a Category III wetland must be located contiguous to the altered wetland. Mitigation for any alteration to a Category III wetland must be provided at a ratio of 2:1 for creation or re-establishment, 4:1 for 	<p>sequencing steps in this chapter and may include the following types of actions:</p> <ul style="list-style-type: none"> a. Creation - the manipulation of the physical, chemical or biological characteristics to develop a wetland on an upland or deepwater site, where a biological wetland did not previously exist; b. Re-establishment - the manipulation of the physical, chemical or biological characteristics of a site with the goal of restoring wetland functions to a former wetland, resulting in a net increase in wetland acres and functions; c. Rehabilitation - the manipulation of the physical, chemical, or biological characteristics with the goal of repairing historic functions and processes of a degraded wetland, resulting in a gain in wetland function but not acreage; d. Enhancement - the manipulation of the physical, chemical or biological characteristics to heighten, intensify, or improve specific functions (such as vegetation) or to change the growth stage or composition of the vegetation present, resulting in a change in wetland functions but not in a gain in wetland acreage; or e. A combination of the three types. <p>2. Allowed alterations per wetland type and mitigation ratios are as follows:</p> <ul style="list-style-type: none"> a. <u>a. Alterations are not permitted to Category I wetlands unless specifically exempted under the provisions of this Program. Mitigation will still be required at a rate of 4:1 for creation or re-establishment, 8:1 for rehabilitation, and 16:1 for enhancement.</u> a.b. <u>Alterations are not permitted to Category I or II wetlands unless specifically exempted under the provisions of this Program. Mitigation will still be required at a rate of 3:1 for creation or re-establishment, 6:1 for rehabilitation, and 12:1 for enhancement</u> b. <u>c. Alterations to Category III wetlands are prohibited</u> 	<p><u>Additional Information Provided by Ecology:</u> These mitigation ratios are consistent with the current Department of Ecology wetland guidance.</p> <p><u>City Staff Comments:</u> The changes in mitigation ratios make the language consistent with the updated SAO approved by Council. See 18.45.090.E.1.b. Staff recommends including this</p>
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	<p>rehabilitation and 8:1 for enhancement alone.</p> <p>c. Alterations to Category IV wetlands are allowed, where unavoidable and adequate mitigation is carried out in accordance with the standards of this section. Mitigation for alteration to a Category IV wetland will be 1.5:1 for creation or re-establishment and 3:1 for rehabilitation or enhancement.</p> <p>d. Isolated wetlands formed on fill material in highly disturbed environmental conditions and assessed as having low overall wetland functions (scoring below 20 points) may be altered and/or relocated with the permission of the Director. These wetlands may include artificial hydrology or wetlands unintentionally created as the result of construction activities. The determination that a wetland is isolated is made by the US Army Corps of Engineers.</p>	<p>except where the location or configuration of the wetland provides practical difficulties that can be resolved by modifying up to .10 (one tenth) of an acre of wetland. Mitigation for any alteration to a Category III wetland must be located contiguous to the altered wetland. Mitigation for any alteration to a Category III wetland must be provided at a ratio of 2:1 for creation or re-establishment, 4:1 for rehabilitation and 8:1 for enhancement alone.</p> <p>e. d. Alterations to Category IV wetlands are allowed, where unavoidable and adequate mitigation is carried out in accordance with the standards of this section. Mitigation for alteration to a Category IV wetland will be 1.5:1 for creation or re-establishment and 3:1 for rehabilitation or and 6:1 for enhancement.</p> <p>d. e. Isolated wetlands formed on fill material in highly disturbed environmental conditions and assessed as having low overall wetland functions (scoring below 20 points) may be altered and/or relocated with the permission of the Director. These wetlands may include artificial hydrology or wetlands unintentionally created as the result of construction activities. The determination that a wetland is isolated is made by the US Army Corps of Engineers.</p>	<p>language in the SMP.</p>
	<p>Section 10.11 Sensitive Area Permitted Uses and Alterations</p> <p>E. Watercourse Alterations</p> <p>All impacts to a watercourse that degrade the functions and values of the watercourse shall be avoided. If alternation to the watercourse is unavoidable, all adverse impacts shall be mitigated in accordance with the approved mitigation plan as described in this chapter. Mitigation shall take place on-site or as close as possible to the impact location, and compensation shall be at a minimum 1:1 ratio. Any</p>	<p>Ecology Required Change #18</p> <p>Section 10.11 Sensitive Area Permitted Uses and Alterations</p> <p><u>DE.</u> Watercourse Alterations</p> <p>All impacts to a watercourse that degrade the functions and values of the watercourse shall be avoided. If alternation to the watercourse is unavoidable, all adverse impacts shall be mitigated in accordance with the approved mitigation plan as described in this chapter. Mitigation shall take place on-site or as close as possible to the impact location, and</p>	<p><u>City Staff Comment:</u> Subsection re-lettered to reflect deletion of subsection B above. Staff recommends including this language in the SMP.</p>

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	<p>mitigation shall result in improved watercourse functions over existing conditions.</p> <ol style="list-style-type: none"> 1. Diverting or rerouting may only occur with the permission of the Director and an approved mitigation plan. Any watercourse that has critical wildlife habitat or is necessary for the life cycle or spawning of salmonids, shall not be rerouted, unless it can be shown that the habitat will be improved for the benefit of the species. A watercourse may be rerouted or day-lighted as a mitigation measure to improve watercourse function. 2. Piping of any watercourse should be avoided. Relocation of a watercourse is preferred to piping; if piping occurs in a watercourse sensitive area, it shall be limited and shall require approval of the Director. Piping of Type 1 watercourses shall not be permitted. Piping may be allowed in Type 2, 3 or 4 watercourses if it is necessary for access purposes. Piping may be allowed in Type 4 watercourses if the watercourse has a degraded buffer, is located in a highly developed area and does not provide shade, temperature control etc. for habitat. The applicant must comply with the conditions of this section, including: providing excess capacity to meet needs of the system during a 100-year flood event; and providing flow restrictors, and complying with water quality and existing habitat enhancement procedures. 3. No process that requires maintenance on a regular basis will be acceptable unless this maintenance process is part of the regular and normal facilities maintenance process or unless the applicant can show funding for this maintenance is ensured for as long as the use remains. 4. Piping projects shall be performed pursuant to the following applicable standards: <ol style="list-style-type: none"> a. The conveyance system shall be designed to comply with the standards in current use and recommended by the Department of Public Works. b. Where allowed, piping shall be limited to the 	<p>compensation shall be at a minimum 1:1 ratio. Any mitigation shall result in improved watercourse functions over existing conditions.</p> <ol style="list-style-type: none"> 1. Diverting or rerouting may only occur with the permission of the Director and an approved mitigation plan <u>as well as all necessary approvals by state agencies</u>. Any watercourse that has critical wildlife habitat or is necessary for the life cycle or spawning of salmonids, shall not be rerouted, unless it can be shown that the habitat will be improved for the benefit of the species. A watercourse may be rerouted or day-lighted as a mitigation measure to improve watercourse function. 2. Piping of any watercourse should be avoided. Relocation of a watercourse is preferred to piping; if piping occurs in a watercourse sensitive area, it shall be limited and shall require approval of the Director. Piping of Type 1 watercourses shall not be permitted. Piping may be allowed in Type 2, 3 or 4 watercourses if it is necessary for access purposes. Piping may be allowed in Type 4 watercourses if the watercourse has a degraded buffer, is located in a highly developed area and does not provide shade, temperature control etc. for habitat. The applicant must comply with the conditions of this section, including: providing excess capacity to meet needs of the system during a 100-year flood event; and providing flow restrictors, and complying with water quality and existing habitat enhancement procedures. 3. No process that requires maintenance on a regular basis will be acceptable unless this maintenance process is part of the regular and normal facilities maintenance process or unless the applicant can show funding for this maintenance is ensured for as long as the use remains. 4. Piping projects shall be performed pursuant to the following applicable standards: <ol style="list-style-type: none"> a. The conveyance system shall be designed to comply with the standards in current use and recommended 	<p><u>Additional Information Provided by Ecology:</u> Clarifying that approvals from other agencies may be necessary.</p> <p><u>City Staff Comment:</u> Staff recommends including this language in the SMP.</p>
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	<p>shortest length possible as determined by the Director to allow access onto a property.</p> <ul style="list-style-type: none"> c. Where water is piped for an access point, those driveways or entrances shall be consolidated to serve multiple properties where possible, and to minimize the length of piping. d. When required by the Director, watercourses under drivable surfaces shall be contained in an arch culvert using oversize or super span culverts for rebuilding of a streambed. These shall be provided with check dams to reduce flows, and shall be replanted and enhanced according to a plan approved by the Director. e. All watercourse crossing shall be designed to accommodate fish passage. Watercourse crossings shall not block fish passage where the streams are fish bearing. f. Storm water runoff shall be detained and infiltrated to preserve the watercourse channel's dominant discharge. g. All construction shall be designed to have the least adverse impact on the watercourse, buffer and surrounding environment. h. Piping shall be constructed during periods of low flow, or as allowed by the State Department of Fish and Wildlife. i. Water quality must be as good or better for any water exiting the pipe as for the water entering the pipe, and flow must be comparable. 	<p>by the Department of Public Works.</p> <ul style="list-style-type: none"> b. Where allowed, piping shall be limited to the shortest length possible as determined by the Director to allow access onto a property. c. Where water is piped for an access point, those driveways or entrances shall be consolidated to serve multiple properties where possible, and to minimize the length of piping. d. When required by the Director, watercourses under drivable surfaces shall be contained in an arch culvert using oversize or super span culverts for rebuilding of a streambed. These shall be provided with check dams to reduce flows, and shall be replanted and enhanced according to a plan approved by the Director. e. All watercourse crossing shall be designed to accommodate fish passage. Watercourse crossings shall not block fish passage where the streams are fish bearing. f. Storm water runoff shall be detained and infiltrated to preserve the watercourse channel's dominant discharge. g. All construction shall be designed to have the least adverse impact on the watercourse, buffer and surrounding environment. h. Piping shall be constructed during periods of low flow, or as allowed by the State Department of Fish and Wildlife. i. Water quality must be as good or better for any water exiting the pipe as for the water entering the pipe, and flow must be comparable. 	
123	<p>Section 10.11 Sensitive Area Permitted Uses and Alterations</p> <p><u>E.</u> Fish and Wildlife Conservation Area Alterations</p> <p>Alterations to the Green/Duwamish River are regulated by the shoreline provisions of this SMP. Alterations to Fish and Wildlife Conservation Areas that have been created as</p>	<p>Ecology Required Change #18</p> <p>Section 10.11 Sensitive Area Permitted Uses and Alterations</p> <p>EF. Fish and Wildlife Conservation Area Alterations</p> <p>Alterations to the Green/Duwamish River are regulated by</p>	<p><u>City Staff Comment:</u> Lettering of remaining subsections revised to reflect deletion of subsection B. Staff recommends including this language in the SMP.</p>

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	restoration or habitat enhancement sites and that are shown on the Sensitive Areas in the Shoreline Jurisdiction Map are prohibited and may only be authorized through a shoreline variance procedure.	the shoreline provisions of this SMP. Alterations to Fish and Wildlife Conservation Areas that have been created as restoration or habitat enhancement sites and that are shown on the Sensitive Areas in the Shoreline Jurisdiction Map are prohibited and may only be authorized through a shoreline variance procedure.	
130	<p>Section 11.1.A shall be modified as follows:</p> <p>A. Public access to or along the shoreline as described in Section 11 shall be provided on all property that abuts the Green/Duwamish River shoreline in accordance with this section as further discussed below where any of the following conditions are present.</p> <ol style="list-style-type: none"> 1. Where a development or use will create increased demand for public access to the shoreline, the development or use shall provide public access to mitigate this impact. 2. Where a development or use will interfere with an existing public access way, the development or use shall provide public access to mitigate this impact. Impacts to public access may include blocking access or discouraging use of existing on-site or nearby accesses. 3. Where a use or development will interfere with a public use of lands or waters subject to the public trust doctrine, the development shall provide public access to mitigate this impact. 4. Where the development is proposed by a public entity or on public lands. 5. Where identified on the Shoreline Public Access Map. 	<p>Ecology Required Change #19</p> <p>Section 11.1.A shall be modified as follows:</p> <p>A. Public access to or along the shoreline as described in Section 11 shall be provided on all property that abuts the Green/Duwamish River shoreline in accordance with this section as further discussed below where any of the following conditions are present.</p> <ol style="list-style-type: none"> 1. Where a development or use will create increased demand for public access to the shoreline, the development or use shall provide public access to mitigate this impact. 2. Where a development or use will interfere with an existing public access way, the development or use shall provide public access to mitigate this impact. Impacts to public access may include blocking access or discouraging use of existing on-site or nearby accesses. 3. Where a use or development will interfere with a public use of lands or waters subject to the public trust doctrine, the development shall provide public access to mitigate this impact. 4. Where the development is proposed by a public entity or on public lands. 5. Where identified on the Shoreline Public Access Map. 6. Where a land division of five or greater lots, or a residential project of five or greater residential units is proposed. 	<p><u>Additional Information Provided by Ecology:</u> This provision is consistent with WAC 173-26-221 (4) (d). This is a standard public access requirement in subdivisions.</p> <p><u>City Staff Comment:</u> Staff recommends including this language in the SMP.</p>

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133	This is new text to be added to Section 11.5.	<p>Ecology Required Change #20</p> <p>Section 11.5 shall be modified as follows (add as an introductory paragraph before 11.5 A):</p> <p><u>11.5 Public Access Incentives</u></p> <p><u>This section provides allowances for increased maximum height limits for buildings in shoreline jurisdiction when certain public access provisions are provided with shoreline development. Prior to approval of any building greater than 35 feet in height in shoreline jurisdiction, the development proponent must demonstrate that the proposed building will not block the views of a substantial number of residences.</u></p>	<p><u>Ecology Staff Finding:</u> The SMP proposes to allow building height to be increased to the maximum allowed under the zoning code (115 feet in some cases) if an applicant constructs a shoreline trail to City specifications in a manner consistent with the City's Green River Trail Plan. Building heights of 115 feet in shoreline jurisdiction are not analyzed in the Cumulative Impacts Analysis. A required change is included eliminating the SMP reference to zoning height limits and requiring an analysis of view blockage and environmental impacts.</p> <p>The adopted SMP allows increased building height as an incentive for both public access and enhancement of vegetation in the shoreline buffer. A required change to the SMP makes is clear that if a building is proposed with a height of greater than 35 feet, then there must be a demonstration that the proposed building will not block the views of a substantial number of residences consistent with RCW 90.58.320.</p> <p>Required changes have been included that require any development over 35 feet in height to analyze whether the</p>
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			<p>views of a substantial number of residences will be blocked. Additionally, the height limit references to the zoning code proposed in the SMP will be removed by the required changes.</p> <p><u>City Staff Comment:</u> This required change incorporates a requirement of the SMA. Staff recommends including this language in the SMP.</p>
134	<p><u>11.5 Public Access Incentives</u></p> <p>D. The maximum height for structures may be increased to the height permitted in the underlying zoning district for properties that construct a 14' wide paved trail with a two-foot wide shoulder on each side for public access along the river in areas identified for new shoreline trail segments, or where, in the case of properties containing or abutting existing public access trails, the existing trail either meets the standard of a 14 foot wide trail with two foot shoulders on either side or the property owner provides any necessary easements and improvements to upgrade the existing trail to that standard along the property frontage.</p>	<p>Ecology Required Change #20</p> <p><u>11.5 Public Access Incentives</u></p> <p>D. The maximum height for structures may be increased to the height permitted in the underlying zoning district for properties that construct a 14' wide paved trail with a two-foot wide shoulder on each side for public access along the river in areas identified for new shoreline trail segments, or where, in the case of properties containing or abutting existing public access trails, the existing trail either meets the standard of a 14 foot wide trail with two foot shoulders on either side or the property owner provides any necessary easements and improvements to upgrade the existing trail to that standard along the property frontage. <u>During the project review, the increased height shall be affirmatively demonstrated to:</u></p> <ol style="list-style-type: none"> <u>1. Not block the views of a significant number of residences,</u> <u>2. Not cause environmental impacts such as, but not limited to, shading of the river buffer or light impacts adversely affecting the river corridor, and</u> <u>3. Achieve no net loss of ecological function. In no case shall the building height be greater than 115 feet pursuant to this provision.</u> 	<p><u>Ecology Staff Finding:</u> see above for discussion on required changes related to building heights in the shoreline jurisdiction.</p> <p><u>City Staff Comments:</u> The addition of this text provides review criteria to ensure that development does not block the views of a significant number of residences. Staff recommends including this language in the SMP.</p>

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143	<p><u>13.1 Shoreline Substantial Development Permit Not Required</u></p> <p>Shoreline restoration projects shall be allowed without a Shoreline Substantial Development Permit when these projects meet the criteria established by WAC 173-27-040(o) and (p) and H.B. 2199.</p>	<p>Ecology Required Change #21</p> <p>Section 13.1 shall be modified as follows:</p> <p><u>13.1 Shoreline Substantial Development Permit Not Required</u></p> <p>Shoreline restoration projects shall be allowed without a Shoreline Substantial Development Permit when these projects meet the criteria established by WAC 173-27-040(o) and (p) and RCW 90.58.580 H.B. 2199.</p>	<p><u>Ecology Staff Finding:</u> see below, required corrections to Section 13.2 for explanation.</p> <p><u>City Staff Comment:</u> this required change corrects a reference to legislation that is now codified in the RCW. Staff recommends including this language in the SMP.</p>
143	<p><u>13.2 Changes in Shoreline Jurisdiction due to Restoration</u></p> <p>Relief may be granted from shoreline master program standards and use regulations in cases where shoreline restoration projects result in a change in the location of the OHWM and associated shoreline jurisdiction on the subject property and/or adjacent properties and where application of shoreline master program regulations would preclude or interfere with the uses permitted by the underlying zoning, thus presenting a hardship to the project proponent.</p> <p>A. Applications for relief, as specified on subsection B below must meet the following criteria:</p> <ol style="list-style-type: none"> 1. The proposed relief is the minimum necessary to relieve the hardship; 2. After granting the proposed relief, there is net environmental benefit from the restoration project; and 3. Granting the proposed relief is consistent with the objectives of the shoreline restoration project and with the shoreline master program. 	<p>Ecology Required Change #22</p> <p>Section 13.2 shall be modified as follows:</p> <p><u>13.3 Changes in Shoreline Jurisdiction due to Restoration</u></p> <p>Relief may be granted from shoreline master program standards and use regulations in cases where shoreline restoration projects result in a change in the location of the OHWM and associated shoreline jurisdiction on the subject property and/or adjacent properties and where application of shoreline master program regulations would preclude or interfere with the uses permitted by the underlying zoning, thus presenting a hardship to the project proponent.</p> <p>A. Applications for relief, as specified on subsection B below must meet the following criteria:</p> <ol style="list-style-type: none"> 1. The proposed relief is the minimum necessary to relieve the hardship; 2. After granting the proposed relief, there is net environmental benefit from the restoration project; and 3. Granting the proposed relief is consistent with the objectives of the shoreline restoration project and with the shoreline master program. 	<p><u>Ecology Staff Finding:</u> Prior to the adoption of EHB 2199, the City of Tukwila was developing</p>

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	<p>Where a shoreline restoration project is created as mitigation to obtain a development permit, the project proponent required to perform the mitigation is not eligible for relief under the provisions of this section.</p> <p>B. The portion of property that moves from outside shoreline jurisdiction to inside shoreline jurisdiction as a result of the shoreline restoration project:</p> <ol style="list-style-type: none"> 1. may be developed for the full range of uses of the underlying zoning consistent with the zoning code, including uses that are not water-oriented; 2. is not required to obtain a shoreline substantial development permit; 3. is not subject to the SMP provisions for public access; 4. may be developed for the full range of uses of the underlying zoning is not subject to shoreline design review; and 5. is not subject to the development standards set forth in this Program, except as set forth in Section 13.2 C. 	<p>Where a shoreline restoration project is created as mitigation to obtain a development permit, the project proponent required to perform the mitigation is not eligible for relief under the provisions of this section.</p> <p><u>The Department of Ecology must review and approve applications for relief.</u></p> <p>B. For tThe portion of property that moves from outside shoreline jurisdiction to inside shoreline jurisdiction as a result of the shoreline restoration project <u>the City may consider the following, consistent with the criteria in A above:</u></p> <ol style="list-style-type: none"> 1. may be permitting <u>development</u> for the full range of uses of the underlying zoning consistent with the zoning code, including uses that are not water-oriented; 2. is not required <u>waiving the requirement</u> to obtain a shoreline substantial development permit <u>if it is otherwise exempt from the requirement for a substantial development permit</u> 3. is not subject to <u>waiving</u> the SMP provisions for public access; 4. may be developed for the full range of uses of the underlying zoning is not subject to <u>waiving the requirement for</u> shoreline design review; and 5. is not subject to <u>waiving</u> the development standards set forth in this Program, except as set forth in Section 13.2 C. 	<p>provisions for regulatory relief for property that is brought into shoreline jurisdiction because a restoration project has moved the ordinary high water mark. EHB 2199 subsequently became law and has been codified as RCW 90.58.580. The regulatory relief being drafted by the City can be read to be inconsistent with the requirements of RCW 90.58.580. Therefore, a required change is included to make it clear that the provisions of RCW 90.58.580 is applicable. The relief provisions drafted by the City can be utilized as guidance in a manner that is consistent with RCW 90.58.580.</p> <p><u>City Staff Comment:</u> These required changes reflect the provisions of RCW 90.58.580; the language revisions in B.1-5 improve how the text reads. Staff recommends including this language in the SMP.</p>
151	<p>14.5 Non-conforming Development</p> <p>A. Non-conforming Uses</p> <p>Any preexisting lawful use of land that would not be allowed under the terms of this SMP may be continued as an allowed, legal non-conforming use, so long as that use remains lawful, subject to the following:</p>	<p>Ecology Required Change #23</p> <p>Section 14.5.A.4 shall be modified to read:</p> <p>4. If a change of use is proposed to a use determined to be non-conforming by application of provisions in this SMP, the proposed new use must be a permitted use in the SMP or a use approved under a Conditional Use Permit process. For purposes of implementing this section, a change of use</p>	<p><u>Ecology Staff Finding:</u> The SMP has proposed to incorporate the Tukwila Zoning Code use provisions. As proposed, a reader would need to turn to the Tukwila Zoning code in order to determine permissible uses in the SMP. The zoning code can allow for uses</p>

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	<ol style="list-style-type: none"> 1. No such non-conforming use shall be enlarged, intensified, increased or extended to occupy a greater use of the land, structure or combination of the two, than was occupied at the effective date of adoption of this SMP; 2. No non-conforming use shall be moved or extended in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this SMP; 3. If any such non-conforming use ceases for any reason for a period of more than 24 consecutive months, any subsequent use shall conform to the regulations specified by this SMP for the shoreline environment in which such use is located. Upon request of the owner, prior to the end of the 24 consecutive months and upon reasonable cause shown, the City Council may grant an extension of time beyond the 24 consecutive months, per 14.5 C. ; 4. If a change of use is proposed to a use determined to be non-conforming by application of provisions in this SMP, the proposed new use must be a permitted use in the SMP or a use approved under a Conditional Use Permit process. For purposes of implementing this section, a change of use constitutes a change from one Permitted, Conditional Use category to another such use category as listed within the zoning code. 5. A structure that is being or has been used for a nonconforming use may be used for a different nonconforming use after demonstrating the following criteria have been met: <ol style="list-style-type: none"> a. No reasonable alternative conforming use is practical; b. The proposed use will be at least as consistent with the policies and provisions of the SMP and as compatible with the uses in the area as the preexisting use; c. The use or activity is enlarged, intensified, increased or altered only to the minimum 	<p>constitutes a change from one Permitted, Conditional Use category to another such use category as listed within the <u>use matrix zoning code</u>.</p>	<p>that could cause harm to the shoreline environment such as airports and numerous industrial uses. The zoning code also makes reference to provisions that are unworkable in shoreline jurisdiction such as a provision for an unclassified use permit. A SMP must be in a form that is implementable. This is supported by RCW 90.58.090(7) and WAC 173-26-211(4)(a)(IV).</p> <p><u>City Staff Comment:</u> If the SMP makes reference to the zoning code, then the entire zoning code is subject to review and approval by Ecology. Staff recommends including this language in the SMP.</p>
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	<p>amount necessary to achieve the intended functional purpose;</p> <p>d. The structure(s) associated with the non-conforming use shall not be expanded in a manner that increases the extent of the nonconformity;</p> <p>e. The change in use will not create adverse impacts to shoreline ecological functions and/or processes;</p> <p>f. The applicant restores and or/enhances the entire shoreline buffer, including but not limited to paved areas no longer in use on the property, to offset the impact of the change of use per the vegetation management standards of this program. This may include the restoration of paved areas to vegetated area if no longer in use.</p>		
152	<p>B. Non-conforming Structures</p> <p>Where a lawful structure exists at the effective date of adoption of the SMP that could not be built under the terms of the SMP by reason of restrictions on height, buffers or other characteristics of the structure, it may be continued as an allowed, legal structure so long as the structure remains otherwise lawful subject to the following provisions:</p> <p>1. Such structures may be repaired, maintained, upgraded and altered provided that (1) the structure may not be enlarged or altered in such a way that increases its degree of nonconformity or increases its impacts to the functions and values of the shoreline environment except as authorized in TMC Section 18.66.120; and (2) the cost of the alterations may not exceed an aggregate cost of fifty percent (50%) of the value of the building or structure in any three (3) year period based upon its most recent assessment, unless the amount over fifty percent (50%) is used to make the building or structure more conforming, or</p>	<p>Ecology Required Change #24</p> <p>Section 14.5.B.5 shall be modified as follows:</p> <p>5. Residential structures and uses located in any <u>Shoreline Residential Environment single family or multiple-family residential zoning district</u> and in existence at the time of adoption of this SMP shall not be deemed nonconforming in terms of height, <u>residential</u> use, or location provisions of this title. Such buildings may be rebuilt after a fire or other natural disaster to their original dimensions, location and height, but may not be changed except as provided in the non-conforming uses section of this chapter.</p>	<p><u>Additional Information Provided by Ecology:</u> This provision allows that existing structures in a Residential Environment do not need to be considered nonconforming as to the SMP residential structure standards or use. By referencing the SMP shoreline environment rather than the zoning code, zoning code provisions are not incorporated into the SMP.</p> <p><u>City Staff Comment:</u> Staff recommends including the language revisions in the SMP.</p>

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	<p>is used to restore to a safe condition any portion of a building or structure declared unsafe by a proper authority.</p> <ol style="list-style-type: none"> Should such structure be destroyed by any accidental means the structure may be reconstructed to its original dimensions and location on the lot provided application is made for permits within twelve (12) months of the date the damage occurred and all reconstruction is completed within two years of permit issuance. In the event that the property is redeveloped, such redevelopment must be in conformity with the provisions of this SMP. Should such structure be moved for any reason or any distance whatsoever, it shall thereafter conform to the regulations of this SMP after it is moved. When a non-conforming structure, or structure and premises in combination, is vacated or abandoned for 24 consecutive months, the structure, or structure and premises in combination, shall thereafter be required to be in conformance with the regulations of the SMP. Upon request of the owner, prior to the end of the 24 consecutive months, and upon reasonable cause shown, the City Council may grant an extension of time beyond the 24 consecutive months per 14.5 C. Residential structures and uses located in any single-family or multiple-family residential zoning district and in existence at the time of adoption of this SMP shall not be deemed nonconforming in terms of height, use, or location provisions of this title. Such buildings may be rebuilt after a fire or other natural disaster to their original dimensions, location and height, but may not be changed except as provided in the non-conforming uses section of this chapter. Single-family structures in single- or multiple family residential zone districts, which have legally non-conforming setbacks from the OHWM per the SMP buffer, shall be allowed to expand the ground floor only along the existing building line(s), so long as 		
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	<p>the existing distance from the nearest point of the structure to the OHWM is not reduced, and the square footage of new intrusion into the buffer does not exceed 50% of the square footage of the current intrusion. As a condition of building permit approval a landscape plan showing removal of invasive plant species within the entire shoreline buffer and replanting with appropriate native species must be submitted to the City. Maintenance of these plantings through the establishment period is recommended.</p> <p>7. For the purposes of this section, altered or partially reconstructed is defined as work that does not exceed 50% of the assessed valuation of the building over a three year period.</p> <p>8. A non-conforming-use, within a non-conforming structure, shall not be allowed to expand into any other portion of the structure.</p>		
153	See above for adopted text – 14.5.B. 6.	<p>Ecology Required Change #25</p> <p>Section 14.5.B.6 shall be modified as follows:</p> <p>6. Single-family structures in <u>the Shoreline Residential Environment</u> single-or multiple family residential zone districts, which have legally non-conforming setbacks from the OHWM per the SMP buffer, shall be allowed to expand the ground floor only along the existing building line(s), so long as the existing distance from the nearest point of the structure to the OHWM is not reduced, and the square footage of new intrusion into the buffer does not exceed 50% of the square footage of the current intrusion. As a condition of building permit approval a landscape plan showing removal of invasive plant species within the entire shoreline buffer and replanting with appropriate native species must be submitted to the City. Maintenance of these plantings through the establishment period is recommended.</p>	<p><u>Additional Information Provided by Ecology:</u> This change is to make it clear that the provision applies to the Shoreline Residential Environment and not a zoning code designation. In this manner, the zoning code provisions are not incorporated into the SMP.</p> <p><u>City Staff Comment:</u> Staff recommends including the language revisions in the SMP.</p>

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147	<p>14.2 <u>Substantial Development Permit Requirements</u></p> <p>A. Permit Application Procedures</p> <p>Applicants for a Shoreline Substantial Development Permit shall comply with permit application procedures.</p> <p>B. Exemptions</p> <ol style="list-style-type: none"> 1. To qualify for an exemption, the proposed use, activity or development must meet the requirements for an exemption as described in WAC 173-27-040, except for properties that meet the requirements of the Shoreline Restoration Section. The purpose of a shoreline exemption is to provide a process for uses and activities which do not trigger the need for a substantial development permit, but require compliance with all provisions of the City's SMP. 2. The Director may impose conditions to the approval of exempted developments and / or uses as necessary to assure compliance of the project with the SMA and the Tukwila SMP, per WAC 173-27-040(e). For example, in the case of development subject to a building permit, but exempt from the shoreline permit process, the Building Official or other permit authorizing official, through consultation with the Director, may attach shoreline management terms and conditions to Building Permits and other permit approvals pursuant to RCW 90.58.140. 	<p>Ecology Recommended Change #11</p> <p>Add a new Section 14.2.C as follows:</p> <p>14.2 <u>Substantial Development Permit Requirements</u></p> <p>A. Permit Application Procedures</p> <p>Applicants for a Shoreline Substantial Development Permit shall comply with permit application procedures.</p> <p>B. Exemptions</p> <ol style="list-style-type: none"> 1. To qualify for an exemption, the proposed use, activity or development must meet the requirements for an exemption as described in WAC 173-27-040, except for properties that meet the requirements of the Shoreline Restoration Section. The purpose of a shoreline exemption is to provide a process for uses and activities which do not trigger the need for a substantial development permit, but require compliance with all provisions of the City's SMP. 2. The Director may impose conditions to the approval of exempted developments and / or uses as necessary to assure compliance of the project with the SMA and the Tukwila SMP, per WAC 173-27-040(e). For example, in the case of development subject to a building permit, but exempt from the shoreline permit process, the Building Official or other permit authorizing official, through consultation with the Director, may attach shoreline management terms and conditions to Building Permits and other permit approvals pursuant to RCW 90.58.140. <p>C. <u>A substantial development shall be granted only when the development proposed is consistent with:</u></p>	<p><u>City Staff Comment:</u> Staff is recommending that only a portion of the Ecology recommended</p>
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		<ol style="list-style-type: none"> <u>1. The policies and procedures of the Shoreline Management Act;</u> <u>2. The provisions of Chapter 173-27, WAC; and</u> <u>3. This shoreline master program</u> 	change be incorporated into the SMP. This will provide a standard for approval of shoreline development.
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114	<p>10.9 <u>Wetland Watercourse, and Fish and Wildlife Habitat Conservation Area Buffers</u></p> <p>A. Purpose and Intent of Buffer Establishment</p> <p>1. A buffer area shall be established adjacent to designated sensitive areas. The purpose of the buffer area shall be to protect the integrity, functions and values of the sensitive areas. Any land alteration must be located out of the buffer areas as required by this section.</p>	<p>Recommended Change # 8: Modify Section 10.9.A.1 as follows:</p> <p>10.9 <u>Wetland Watercourse, and Fish and Wildlife Habitat Conservation Area Buffers</u></p> <p>A. Purpose and Intent of Buffer Establishment</p> <p>1. A buffer area shall be established adjacent to designated sensitive areas. The purpose of the buffer area shall be to protect the integrity, functions and values of the sensitive areas. Any land alteration must be located out of the buffer areas as required by this section <u>while acknowledging nonconforming uses and structures as allowed by Section 14.5 of this SMP.</u></p>	<p><u>City Staff Comments:</u> Staff does not recommend incorporating this language into the SMP. Section 14 provides adequate guidance on nonconforming uses and structures.</p>
		<p>Recommended Change # 10: Add to Section 14:</p> <p><u>The City will track all land use and development, including exemptions, within the shoreline jurisdiction. A report will be assembled that provides basic project information, including location, permit type issued, project description, impacts, mitigation (if any), and monitoring outcomes as appropriate. Examples of data categories might include square feet of non-native vegetation removed, square feet of native vegetation planted or maintained, reductions in chemical usage to maintain turf, linear feet of eroding stream bank stabilized through plantings, linear feet of shoreline armoring removed or modified levees, or number of fish passage barriers corrected. The report would also update the status of implementation of restoration projects. The staff report would be presented along with any</u></p>	<p><u>City Staff Comment:</u> While this might be a useful tool, it could require a fair amount of staff time to track the shoreline permits and prepare this annual report. Given current budget constraints, staff does not recommend incorporating this requirement.</p>

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		<p><u>Comprehensive Plan amendments during the yearly review cycle. The report would be used to determine whether implementation of the SMP is meeting the basic goal of no net loss of ecological functions relative to the baseline conditions established in the Inventory and Characterization Report. Based on the results of the annual assessment, changes may need to be made to the SMP.</u></p>	
147		<p>Recommended Change # 12: Modify Section 14.2.B as follows:</p> <p>14.2 <u>Substantial Development Permit Requirements</u></p> <p>Permit Application Procedures</p> <p>Applicants for a Shoreline Substantial Development Permit shall comply with permit application procedures.</p> <p>Exemptions</p> <ol style="list-style-type: none"> 1. To qualify for an exemption, the proposed use, activity or development must meet the requirements for an exemption as described in WAC 173-27-040, except for properties that meet the requirements of the Shoreline Restoration Section. The purpose of a shoreline exemption is to provide a process for uses and activities which do not trigger the need for a substantial development permit, but require compliance with all provisions of the City's SMP. 2. The Director may impose conditions to the approval of exempted developments and / or uses as necessary to assure compliance of the project with the SMA and the Tukwila SMP, per WAC 173-27-040(e). For example, in the case of development subject to a building permit, but exempt from the shoreline permit process, the Building Official or other permit authorizing official, through consultation with the Director, may attach shoreline management terms and conditions to Building Permits and other permit 	

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		<p>approvals pursuant to RCW 90.58.140.</p> <p>3. <u>A written exemption shall be required to be sent to the applicant and to the Department of Ecology if:</u></p> <p>a. <u>The activity is located in a sensitive area or sensitive area buffer;</u></p> <p>b. <u>A U.S. Army Corps of Engineers section 10 permit under the Rivers and Harbors Act of 1899 is required; or</u></p> <p>c. <u>A section 404 permit under the Federal Water Pollution Control Act of 1972 is required.</u></p>	<p><u>City Staff Comment:</u> staff does not recommend including this requirement as this is currently not a requirement of the Shoreline Management Act.</p>
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